DOCUMENT RESUME

ED 450 054 SO 032 571

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TITLE The Case for Representative Democracy: What Americans Should Know about Their Legislatures.

INSTITUTION National Conference of State Legislatures, Denver, CO.; American Political Science Association, Washington, DC.; Center for Civic Education, Calabasas, CA.; Indiana Univ., Bloomington. Center on Congress.

ISBN ISBN-1-58024-127-1

PUB DATE 2001-00-00

NOTE 66p.; A publication of the Trust for Representative Democracy.

AVAILABLE FROM National Conference of State Legislatures, 1560 Broadway, Suite 700, Denver, CO 80202 (No. 9390: $10); Tel: 303-830-2200; Fax: 303-863-8003; E-mail: (INFO@NCSL.ORG); Web site: http://www.ncsl.org/.

PUB TYPE Reports - Descriptive (141)

EDRS PRICE MF01/PC03 Plus Postage.

DESCRIPTORS Adult Education; *Citizen Participation; Citizenship Education; *Democracy; Government (Administrative Body); *Government Role; Legislation; *Legislators; *Political Attitudes; Political Issues; Political Power; Public Affairs Education; Secondary Education; Social Studies

IDENTIFIERS Representativeness; *State Legislatures; United States

ABSTRACT

This guide is a revised and adapted version of a previous monograph, "A New Public Perspective on Representative Democracy: A Guide for Legislative Interns." The guide focuses on civic perspective: how citizens view the political institutions, processes, and people that are fundamental to representative democracy in the United States. It describes the core features of representative democracy in the U.S. Congress and the state legislatures and provides exercises that enable people to make judgments about the U.S. political system. On-line resource materials augment the guide. The following chapters comprise the bulk of the guide: (1) "What Makes Legislators Tick?"; (2) "How Legislators Are Linked to Constituents"; (3) "Where People Stand"; (4) "How Special Are Interests?"; (5) "Why the Process Is Contentious"; and (6) "What Makes the System Accountable?" Contains 4 figures, 8 tables, and a resource list of books, magazines, and Web sites. (BT)

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National Conference of State Legislatures, Denver, CO.

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The Case for Representative Democracy

What Americans Should Know About Their Legislatures

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The Case for Representative Democracy

What Americans Should Know About Their Legislatures

By
Alan Rosenthal
Karl T. Kurtz
John Hibbing
Burdett Loomis

National Conference of State Legislatures
The Forum for America's Ideas

American Political Science Association

Center on Congress at Indiana University

Center for Civic Education

A Publication of the Trust for Representative Democracy

The National Conference of State Legislatures serves the legislators and staffs of the nation's 50 states, its commonwealths, and territories. NCSL is a bipartisan organization with three objectives:

- To improve the quality and effectiveness of state legislatures,
- To foster interstate communication and cooperation,
- To ensure states a strong cohesive voice in the federal system.

The Conference operates from offices in Denver, Colorado, and Washington, D.C.

Cover photo: North Dakota House chamber.

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Printed on recycled paper

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ISBN 1-58024-127-1

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PREFACE

In February 2000, the National Conference of State Legislatures (NCSL) marked its 25th anniversary by establishing the Trust for Representative Democracy. The Trust for Representative Democracy is a public outreach and education initiative designed to counter the cynicism and distrust that prevails among the public today by offering a more positive and accurate view of elected officials, the people who work with them, and the legislative institutions in which they serve.

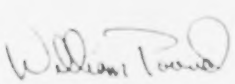
The American Political Science Association (APSA), the Center for Civic Education (CCE) and the Center on Congress at Indiana University share NCSL's commitment to enhancing civic education on representative democracy and join in a project to offer a fresh perspective on Congress and our state legislatures. This perspective is grounded in the ideas of the framers of the U.S. Constitution and reflects the prevailing view of legislatures, the legislative process and legislators among political scientists. *The Case for Representative Democracy: What Americans Should Know About Their Legislatures* forms the foundation of the project.

This publication first appeared as *A New Public Perspective on Representative Democracy: A Guide for Legislative Interns* in January 2000. Four political scientists—Alan Rosenthal of Rutgers University, John Hibbing of the University of Nebraska, Karl Kurtz of NCSL and Burdett Loomis of the University of Kansas—collaborated on that guide for students who are interns in state legislatures. The guide was field tested by the authors with legislative interns in 12 states during 2000 legislative sessions. Because interns are students who are intensely involved in the legislative process, they offered a unique vantage point for providing feedback on the content and exercises in the guide. The authors also discussed the interns' guide with legislators, legislative staff, political scientists and civics teachers. Most of these readers reported that they found the guide to be useful and compelling. Based on this response the authors have revised and adapted the original interns' guide for a more general audience.

We hope that *The Case for Representative Democracy: What Americans Should Know About Their Legislatures* will serve as a useful tool for all citizens who wish to engage in American democracy to gain a broader perspective on the legislative process, politics and representation. It describes the core features of representative democracy in Congress and the state legislatures and provides exercises that enable people to make their own judgments about our political system. On-line resource materials on NCSL's web site at www.ncsl.org/public/civiced.htm augment this guide. Additional references for studying politics and government can be found on the APSA's web site at www.apsanet.org.

The authors of this monograph have a point of view: they make the case for representative democracy. Americans are so bombarded by negative and inaccurate portrayals of government that it is essential to offer an explicitly positive view of representative democracy to balance the prevailing cynical and distrustful views.

Many civic education initiatives are under way across the United States today. Considerable attention is being devoted to increasing *civic knowledge*, which is at low levels, especially among younger generations. Even more attention is being given to encouraging *civic engagement*, whereby people vote and participate in government between elections. Our effort complements these two thrusts. It focuses on *civic perspective*—how citizens view the political institutions, processes and people that are fundamental to representative democracy in America.



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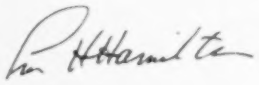

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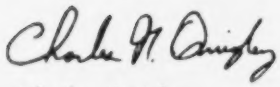

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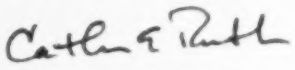

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About the Organizations and Authors

The **National Conference of State Legislatures** is a bipartisan organization that serves the legislators and staffs of the nation's 50 states, its commonwealths and territories. NCSL has established the Trust for Representative Democracy to improve public understanding of the concepts of American democracy. The Trust for Representative Democracy offers a comprehensive package of civic education programs about America's legislatures.

The **American Political Science Association** is the major professional society for people who study politics, government and public policies in the United States and around the world. Education for civic engagement and responsive governance were founding objectives of the political science profession at the beginning of the 20th century, and they remain essential for the 21st century. APSA maintains a national civic education network.

The **Center for Civic Education** promotes informed, responsible participation in civic life by citizens who are committed to American democracy's fundamental values and principles. Among the Center's range of curricular, teacher-training and community-based programs is Project Citizen, a middle-school civic education program designed to help prepare students to participate competently and responsibly in state and local government.

The goals of the **Center on Congress at Indiana University** are to improve public understanding of Congress—its role in our large and diverse country, its strengths and weaknesses, and its impact on the lives of ordinary people—and strengthen civic engagement, especially among young people. The Center advocates a balanced, realistic view of Congress, that leads to a desire to make things better rather than to cynicism and giving up. Center programs include syndicated op-ed and radio commentaries and on-line educational activities for students.

Alan Rosenthal teaches at the Eagleton Institute of Politics at Rutgers University and has written numerous books and articles about state legislatures.

John Hibbing, professor at the University of Nebraska-Lincoln, has written about Congress and currently is exploring public attitudes toward the political system.

Karl T. Kurtz directs the National Conference of State Legislatures initiative, the Trust for Representative Democracy, and writes about state legislatures.

Burdett Loomis is professor of political science at the University of Kansas and writes about interest groups, state legislatures and Congress.

Do You Trust Our System of Government?

Before you read this publication, score yourself on the following test to see how much trust you have in our system of representative democracy. Please circle the number that most closely matches how you feel about each of the following pairs of statements.

a) Most legislators act unethically and are out for themselves.

1 2 3 4 5 6 7

Most legislators are out to promote the public welfare as they and their constituents see it.

b) Legislators don't care what regular people think.

1 2 3 4 5 6 7

Legislators care deeply about what their constituents want.

c) Americans agree on what is right and necessary, so the legislature should just pass the laws that the people want.

1 2 3 4 5 6 7

People disagree on most issues except at a general level, and the legislature must resolve the clash of values and interests.

d) Legislators are the servants of special interests that look out for themselves, not the will of the regular people. A few big interests run the government.

1 2 3 4 5 6 7

There is an organized interest for almost every conceivable policy interest that anyone might have. The number and diversity of organized interests ensure that all sides of an issue are heard but not that any one group comes out ahead.

e) The lawmaking process doesn't work well because of politics, unprincipled deal making and needless conflict.

1 2 3 4 5 6 7

Making laws is a contentious process because it takes in so many competing values, interests and constituencies.

f) Politicians are not accountable for their actions.

1 2 3 4 5 6 7

Politicians, who must run for office every two or four years, are as accountable as anyone can be.

Add up the total of the numbers you circled above and write down your score. _____

If you scored:	You are:
33-42	Trustful of representative democracy
27-32	Moderately trustful
21-26	In-between
15-20	Moderately cynical
6-14	Cynical about representative democracy

Executive Summary

Americans like the idea of representative democracy, but they have little liking for the practices, institutions and politicians that make representative democracy work. Nor are they tolerant of the processes, which require debate (viewed as bickering), compromise (viewed as selling out), advocacy (viewed as posturing) and stalemate (viewed as obstructionism). They do not trust government to do the right thing, they are cynical about elected public officials who are supposed to represent their interests, and they feel that the legislative system as it operates is wide open to special interests but not to the public. The political system gets low marks from most Americans.

There are many reasons for these negative public perceptions. The virtues of representative democracy are not self-evident. The processes in Congress, state legislatures and city councils are messy and difficult to fathom, even to insiders. In their efforts to draw readers, the media focus on conflict and overemphasize negative events. All too often, politicians run against the political system and the people in it. At the same time, significant societal changes have taken place, and culture wars have broken out in American society. Although expectations of what government can do have risen, notions about why and how government should perform have become more heterogeneous and conflicting.

The accumulation of negatives fuels public discontent and disenchantment. No particular incident, specific charge, single newspaper story or television portrayal makes a huge difference, but years of battering have eroded support for the political system.

This climate of cynicism is deadly to representative democracy. It hinders the recruitment to elective public office of talented and concerned people, many of whom no longer will risk having their characters assailed and their reputations damaged. It weakens the bonds between citizens and their representatives. It makes consensus more difficult to achieve, because trust is in such short supply. It hinders steady and pragmatic solutions, while encouraging posturing, scapegoating and quick fixes. It erodes the representative assemblies that have served us remarkably well for more than 300 years. It puts our system of representative democracy in peril, even though we have nothing else we would rather have in its place, and nothing that would serve nearly as well.

This publication offers engaged Americans an alternative view of representative democracy by providing a more accurate and positive perspective. It is based on six operating principles of representative democracy as it is practiced throughout the nation. The first two principles focus on representatives as individuals, and the latter four emphasize representa-

tion as a system. The treatment of each operating principle includes both a discussion of what the public perceives and a discussion of how politicians and institutions work.

The authors of this guide believe that the system and its participants work well—by no means perfectly, but well—and better than any realistic alternative. Of course, there are problems with legislatures and with legislators that need attention. Of special concern are the conduct of political campaigns, the business of campaign finance and conflicts of interest, partisanship and incivility in the legislature. These concerns should not be taken lightly. Yet, they should not detract from an appreciation of a system that, while currently the envy of the world, is misperceived and unappreciated here at home.

Representative Democracy: Public Perceptions vs. Reality

What People Think	How It Really Works
1. Legislators are simply out for themselves, lack integrity and act unethically.	The overwhelming number of legislators are out to promote the public welfare, as they and their constituencies see it. Moreover, they are generally ethical, although not everyone agrees on just what is and is not ethical in public life.
2. Legislators do not care what regular people think.	Legislators are very concerned about what people in their districts want and need. Everybody's opinions are invited and welcome before the legislature. But organized groups that have sizeable memberships or major employers in their districts may have more influence than individuals alone.
3. Americans agree on what is right and what is necessary, so the legislature should just pass the laws that the people want.	People in our diverse and pluralistic system do not agree on issues except at a general level. It is the job of the legislature to resolve the clash of values, interests and claims.
4. Legislators are the servants of special interests that look out for themselves, not the will of regular people. A few big interests run the government.	There is an organized group for almost every conceivable policy interest that anyone might have. The number and diversity of organized interests ensure that all sides of an issue are heard but not that any one group comes out ahead.
5. The lawmaking process doesn't work well because of politics, unprincipled deal making and needless conflict.	Making laws is a contentious process because it encompasses different and competing values, interests, and constituencies, all of which are making claims on government or one another. Some differences are fought out, but most are negotiated, compromised and settled—at least to a degree and for a while.
6. The political system and politicians are not accountable for their actions.	Legislators who run every two or four years, who may be subject to recall and whose every vote is on record are as accountable as anyone can be.

INTRODUCTION

The framers of the U.S. Constitution devised a system of representative democracy that has endured for more than 200 years. In Washington, D.C., and in the capitals of the 50 states, the resilience of the legislative institutions and processes that are at the heart of our political system demonstrate the genius of James Madison and his colleagues. However durable and serviceable the system has proven to be, it currently is under assault.

Americans like the idea of representative democracy, but they have little liking for the practices, institutions and politicians that make representative democracy work. Nor are they tolerant of the processes, which require debate (viewed as bickering), compromise (viewed as selling out), conflict (viewed as posturing), and stalemate (viewed as obstructionism). They do not trust government to do the right thing, they are cynical about elected public officials who are supposed to represent their interests, and they feel that the legislative system as it operates is wide open to special interests but not to the public. The political system gets low marks from most Americans.

It is little wonder that the public is not positive. The virtues of representative democracy are not self-evident. The processes in Congress, state legislatures and city councils are messy and difficult to fathom, even to insiders. What goes on often is like a three-ring circus with action occurring continuously, simultaneously and in many arenas at once. The people who are engaged in politics—professional and citizen politicians alike—seem to be a breed apart, not even as familiar to ordinary people as are aliens from outer space.

Skepticism is a normal and healthy characteristic in a democracy. But in the quarter of a century since Watergate, the effects of attack and innuendo have transformed skepticism into outright distrust and cynicism. The media, as principal storyteller about politicians and political institutions, bear considerable responsibility for the trend. In their efforts to draw readers, the media focus on conflict and overemphasize events that cast the political system in a negative light. Increasing competition among the print and electronic media have put a premium on the sordid, sensational and scandalous, whether real or inferred. Even the entertainment media have contributed to the unflattering picture of politics and politicians. Since 1975, with the notable exception of *West Wing*, three of every four television episodes involving the American political system have portrayed it as corrupt.

Politicians themselves cannot escape blame. The widespread use of government as a target in political campaigns also damages public trust. All too often, politicians run against the political system and the people in it. "I'm all right," you will hear them say during the course of an election campaign, "but the system is broken. Elect me and I'll fix it." If both

an incumbent and a challenger trash the system, why shouldn't voters conclude that something—indeed, more than something—must be wrong?

Add to all this the significant societal changes that have taken place and the culture wars that have broken out in American society. Although expectations of what government can do have risen, notions about why and how government should perform have become more heterogeneous and conflicting. Ethnicity, race, gender, sexual preference and attitudes toward the family, abortion, drugs and immigration polarize opinions nowadays more than in the past. Political institutions are caught in the crossfire.

The accumulation of negatives fuels public discontent and disenchantment. No particular incident, specific charge, single newspaper story or television portrayal makes a huge difference, but years of battering have eroded support for the political system. Younger generations probably are most affected, in that their social trust, as well as their political trust, is diminished. They express overwhelmingly cynical views, and they cite their cynicism as a reason for indifference to and disengagement from politics. In the end, many of them simply do not see themselves as part of the American political community.

This climate of cynicism is deadly to representative democracy. It hinders the recruitment to elective public office of talented and concerned people, many of whom no longer will risk having their characters assailed and their reputations damaged. It weakens the relationship between voters and elected officials that is at the heart of our idea of representative democracy. It makes consensus more difficult to achieve, because trust is in such short supply. It hinders steady and pragmatic solutions, while encouraging posturing, scapegoating and quick fixes. It erodes the representative assemblies that have served us remarkably well for more than 300 years. It puts our system of representative democracy in peril, even though we have nothing else we would rather have in its place, and nothing that would serve nearly as well.

There is much to be said in defense of the political system, but few defenders have come forward. Congress and state legislatures are the engines of representative democracy, and they are under severe assault. Legislators themselves—or even legislative leaders—too rarely rise to the defense of institutions that ought to command their allegiance. Outside the legislative communities of the nation, few people challenge the contemporary criticisms. The few academic experts who study the subject reach very different conclusions than most people about representative democracy and legislative institutions.

As political scientists, the authors offer a more balanced and accurate view of the political system. As professionals and as citizens, the four of us believe that the perceptions Americans have of legislators and legislatures do not reflect the reality of actual practice and performance. The overly negative environment for politics represents not only a disservice to the nation's institutions, but a disservice to the nation's citizens as well. People have a right to an alternative to the perspective that prevails today.

This guide presents such a perspective. It is designed for people who are (or would like to be) interested and involved in the legislative process: from high school students and legislative interns to corporate and union managers to senior citizen organizations. We are concerned that if citizens come to their involvement in the political process with the perspective held by most people, what they see and experience will take on a very negative cast.

The purpose of this guide is to offer engaged citizens an alternative view of representative democracy—a more accurate and positive perspective.

We offer here six operating principles of representative democracy as it is practiced throughout the nation. Interested and involved citizens should think about each of these operating principles and decide for themselves if they match the reality of Congress or their state legislature. The first two principles focus on representatives as individuals, and the latter four emphasize representation as a system. Our treatment of each principle includes both a discussion of *what the public perceives* and a discussion of *how politicians and institutions work*. At the conclusion of this guide are exercises to help people make up their own minds about representative democracy in America.

Naturally, elected public officials vary in their characteristics, just as political systems vary in theirs. Representative democracy operates somewhat differently in the Congress and from state to state— better in some places than in others. We assume that the judgments citizens make about their own political systems will vary as well, but we are confident that, using this guide, they will gain a positive impression of how representative democracy actually works.

The authors of this guide believe that the system and its participants work well—by no means perfectly, but well—and better than any realistic alternative. Of course, there are problems with legislatures and with legislators. They have to strive constantly for improvement. Of special concern nowadays are the conduct of political campaigns, the business of campaign finance and conflicts of interest, partisanship and incivility in the legislature. These concerns should not be taken lightly. Yet, they should not detract from an appreciation of a system that, while currently the envy of the world, is misperceived and unappreciated here at home.

1. What Makes Legislators Tick?

What People Think

Legislators are simply out for themselves, lack integrity and act unethically.

How It Really Works

The overwhelming number of legislators are out to promote the public welfare, as they and their constituencies see it. Moreover, they are generally ethical, although not everyone agrees on just what is and is not ethical in public life.

Since Watergate in the early 1970s, Americans have believed the worst about their elective public officials. In their view, legislators are in public office strictly to advance their own interests, rather than to serve the constituents they are supposed to represent or the more general public interest that they are supposed to promote. The public generally views politicians as corrupt. A 1996 National Election Study survey reported that more than half of all Americans think corruption is a very important problem and a third say it is somewhat important. Government is corrupt, people believe, because those involved in running it are corrupt. Two of five surveyed say that quite a few people running government are crooked.

Among young people it's worse. More than half of all respondents between the ages of 18 and 24 to a 1998 National Association of Secretaries of State poll say that you can't trust politicians because most are dishonest. In a statewide poll, half of all New Jerseyans say that anywhere from 50 percent to 100 percent of all politicians are corrupt. One-third of the New Jerseyans say that between 50 percent and 100 percent of legislators in Trenton take bribes.

These national and state polls demonstrate the extent of cynicism and distrust. Citizens do not think elected public officials have good intentions, public-spirited motivations or integrity in office. In short, the public does not trust the legislators it elects.

These attitudes should come as no surprise. The negative side is all that citizens hear from the media and the self-designated public interest groups, and it is much of what people hear from political campaigns. To be sure, corrupt and unethical legislators periodically confirm the public's jaundiced view of politicians. These politicians represent a tiny minority—the worst cases. But when Americans hear so much about these individuals, they generalize from the few to the many. What else are they to do? What they see and hear, they believe, is only the tip of the iceberg. The things that remain submerged, people imagine, may be even worse.

When asked by pollsters about their own representative, most people respond positively; when asked about legislators generally, however, most respond negatively. Public ratings of Congress and legislatures vary greatly over time and from state to state. However, it is not

unusual for polls to show 60 percent to 70 percent of the public think their own legislators are doing a good job, but only 25 percent to 35 percent think the legislature is doing a good job. Why don't citizens generalize from their feelings about their own legislator to other legislators and to the institution, instead of generalizing from the few cases they read and hear about through the media? Their views of politicians would be entirely different if they did.

Legislators are different than we imagine them to be. They are neither saints nor sinners, although both categories are represented by a few souls in their ranks. Nothing about legislative behavior is simple, or even obvious, but legislators do what they do for a variety of reasons.

What motivates them to run in the first place? Many of them like politics and the idea of public service. Some come from political families. A parent or uncle or aunt serves or has served in office. All of us can think of political families like the Kennedys, Bushes and Gores at the national level. Many states have their own political families that have sent a number of young men and women into politics. Others are drawn to politics as a result of their experiences as volunteers in political campaigns or as interns in legislatures. Still others decide to run for public office after working in state or local civic and advocacy groups, such as the League of Women Voters, the Parent Teacher Association or a statewide taxpayers' association. A few, who have established themselves in their communities, are recruited to run by legislative party leaders. Most, however, are self-starters.

For a number of people in states such as California, Massachusetts, Michigan, New Jersey and Ohio, legislative office is not their first public office. They have been mayors or council members in their towns, commissioners of their counties, or members of school boards in their districts. Their careers in public office already are under way. This is even more true for members of Congress, approximately half of whom previously served in state legislatures.

People who run for the legislature usually have a commitment to public service. They want to do good. For them, good is service to their constituency, their state, and the public interest as each of them sees it. Legislators bring with them or develop a variety of dispositions regarding public policy issues. As much as anything else, these dispositions provide a basis for how members vote in the legislature.

Some legislators are driven by public policy concerns—to improve education, change the health care system or revise tax policy. They have followed these issues and may have worked previously in these areas. They have agendas to propose and goals to accomplish. Others care more about taking care of constituents back home than about particular issue areas. They want to help their people. Most see government as an instrument to accomplish goals; some see government as an obstacle that prohibits citizens from accomplishing their state or local goals or agendas. Everyone in the legislature wants to make a difference. Most believe they do.

Few—if any—legislators serve because of financial rewards. In so many other careers, financial income plays an important role in the choices that individuals make. That is not the case for those who enter the ranks of state legislators. Except for Congress and a few states—such as California, Michigan, New York and Pennsylvania—compensation tends to be low, as shown in figure 1. Even in legislatures that provide salaries that are sufficient

to make a living, the financial demands of maintaining homes in the capital and the district severely limit the financial gains from legislative service.

Figure 1. Estimated Annual Compensation of Rank and File State Legislators

Note: U.S. Congress annual compensation is $135,000
Source: National Conference of State Legislatures, 1999

In the majority of cases, legislators sacrifice income by serving in the legislature. Although a few attorneys and other professionals may gain business because of their public visibility, service in the legislature hurts lawmakers' private careers more often than it helps. What legislators receive in compensation from the state seldom makes up for what they lose in outside compensation. They are willing to do this because of the objectives they have in seeking public office. Fundamentally, they are in it for the satisfaction the job brings.

A few of those who are elected to the legislature do not like the experience and leave after a term or two. Some have to leave because they cannot financially afford to stay. Their children may be approaching college age or a law practice may require more of their attention. Some don't leave until their health gives out. Some retire because they are afraid that they cannot win reelection. A number leave to run for higher office—a congressional seat or a statewide position. In 19 states they now have no choice. Their terms are limited by law and they can serve no longer than six, eight or 12 years in the house or senate, as shown in table 1.

Table 1. States with Term Limits for Legislators, 2000

Limit in Years	Consecutive	Lifetime Ban
6 house / 8 senate		Arkansas, California, Michigan, Oregon
8 total	Idaho, Nebraska	
8 house / 8 senate	Arizona, Colorado, Florida, Maine, Montana, Ohio, South Dakota	Missouri
12 total		Oklahoma
12 house / 12 senate	Louisiana, Utah, Wyoming	Nevada

Source: National Conference of State Legislatures, 2000

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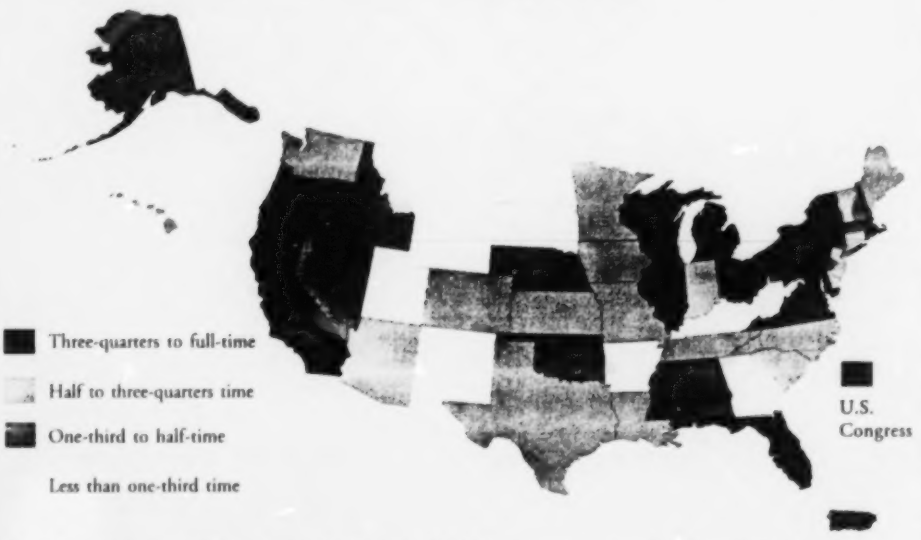
The job that legislators have to do is not an easy one. It demands a lot of time for citizen legislators who must maintain outside occupations. The length of legislative sessions varies from less than two months in a biennium in Kentucky and Wyoming to virtually year-round in California, Massachusetts and Congress. Focusing on the number of days in session, though, is misleading because it does not include the days legislators spend at the capitol during interim periods, when committees meet but there are no formal sessions as such. Nor does it include the time legislators spend dealing with constituents in their districts throughout the year and the all-consuming demands of election season every two, four or six years.

Taking into account session time, interim work, constituent service and political work, figure 2 shows the distribution of time commitments in the 50 states. Serving in the legislature is virtually a full-time job in Congress and in 10 states, where members are generally considered to be "professional legislators." In another 10 states, where members are regarded as "citizen legislators," service usually requires less than one-third of their time. The remaining 30 states are somewhere between the two extremes, but time commitments are increasing rather than diminishing.

Figure 2. Time Demands of State Legislative Work



Note: Estimated proportion of a full-time job spent on legislative work includes legislative sessions, interim committee work, constituent service and election campaigns.

Source: National Conference of State Legislatures, 1999.

Legislators must make many different choices. They not only have to decide what bills they want to introduce, but also whether to vote "aye" or "nay" literally thousands of times on bills and amendments in committee and on the floor. It is a huge workload, as indicated by the number of introductions and enactments shown in table 2.

All of a legislator's activities are in the public domain. Every decision a legislator makes is subject to challenge and criticism. It is difficult to achieve one's objectives. Even relatively noncontroversial bills can encounter obstacles along the way to enactment. A legislator is under constant pressure and always at risk. The strains are enormous.

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Table 2. Legislative Bill Introductions and Enactments, 1998 and 1999 Regular Sessions			
State/Jurisdiction	Introductions	Enactments	Percent Enacted
U.S. Congress (1997-98)	7,732	394	5%
Alabama	3,625	824	23%
Alaska	837	259	31%
Arizona	2,117	680	32%
Arkansas	2,041	1,362	67%
California	5,391	2,125	39%
Colorado	1,213	682	56%
Connecticut	4,522	650	14%
Delaware	1,166	529	45%
Florida	5,052	853	17%
Georgia	2,490	969	39%
Hawaii	7,351	698	9%
Idaho	1,469	837	57%
Illinois	6,522	812	12%
Indiana	2,392	213	9%
Iowa	2,271	437	19%
Kansas	1,846	464	25%
Kentucky	1,333	357	27%
Louisiana	4,400	1,532	35%
Maine	2,201	947	43%
Maryland	4,644	1,451	31%
Massachusetts	15,020	912	6%
Michigan	3,402	742	22%
Minnesota	6,656	422	6%
Mississippi	7,039	1,082	15%
Missouri	2,498	350	14%
Montana	1,013	552	54%
Nebraska	1,394	489	35%
Nevada	1,167	691	59%
New Hampshire	1,894	653	34%
New Jersey	5,814	427	7%
New Mexico	4,203	516	12%
New York	32,263	1,566	5%
North Carolina	3,115	739	24%
North Dakota	881	554	63%
Ohio	1,235	280	23%
Oklahoma	3,601	784	22%
Oregon	3,091	871	28%
Pennsylvania	4,764	340	7%
Rhode Island	7,273	1,404	19%
South Carolina	2,731	571	21%
South Dakota	1,208	606	50%
Tennessee	3,431	1,286	37%
Texas	5,561	1,487	27%
Utah	1,465	742	51%
Vermont	1,147	212	18%
Virginia	4,113	1,999	49%
Washington	3,948	781	20%
West Virginia	2,724	636	23%
Wisconsin	2,715	494	18%
Wyoming	745	328	44%
Puerto Rico	2,729	450	16%
State Totals	201,723	39,656	20%

Source: *The Book of the States, 2000-01; Vital Statistics on Congress, 1999-2000.*

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Nevertheless, many members remain as long as they can. They like and derive satisfaction from their service. For those who want to learn about government and policy, the experience is fascinating. The learning does not end, because members take on more and different responsibilities.

For those who enjoy challenge, the legislative process is about as challenging as anything can be. The politics and the sense of making critical decisions that affect the future of the state are stimulating. "It's great to sit around over dinner, talking policy or strategizing. It's an intoxicating environment," says a California senator. A Nebraska senator comments, "I live for the last three or four weeks of the session—when everything comes together, we're going a mile a minute and things are getting done. It's barely controlled chaos, but somehow it works. It's exciting." Life in the legislature is rarely dull.

The power that legislators wield is not unimportant. Legislators appreciate what power can do, but they also have a sense of its limits. A legislator's power, at the very least, is limited by the power of colleagues in the chamber, by members of the other chamber and by the president or governor. And it is accountable, most especially to the voters in the legislator's district. Legislators do have real power to get things done, to make a difference, to advance the public interest, and to be taken seriously.

Public service exercises strong appeal for legislators in the states. A former speaker of the Michigan House of Representatives puts it this way: "Most people run [for the legislature] with some level of idealism—to leave the state and the community better for their children than they found it. Why do people teach or go into the ministry? I think it's very much the same thing ... it's the same call to public service."

When they find legislative life fulfilling, legislators concern themselves with the next campaign for reelection. They can continue in public service only by winning more votes than their opponent. So, they worry about what their constituents think about them and about the issues. In the larger states—and just about everywhere in competitive districts—the impending campaign is never far from legislators' minds. Fund raising can be an ongoing activity. Is it any wonder that office holders who like their jobs do not want to lose? This means that the next election is just around the corner—every two years for house members in 45 states, senate members in 12 states and the U.S. House of Representatives, every four years for house members in five states and senators in 38 states and every six years in the U.S. Senate, as shown in table 3.

Table 3. Length of Legislative Terms

Chamber/Years	State /Jurisdiction
House 2, Senate 2	Arizona, Connecticut, Georgia, Idaho, Maine, Massachusetts, New Hampshire, New York, North Carolina, Rhode Island, South Dakota, Vermont
House 2, Senate 4	Alaska, Arkansas, California, Colorado, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming
House 2, Senate 6	Congress
House 4, Senate 4	Alabama, Louisiana, Maryland, Mississippi, North Dakota, Puerto Rico
Senate 4	Nebraska

Source: *The Book of the States*, 2000-01.

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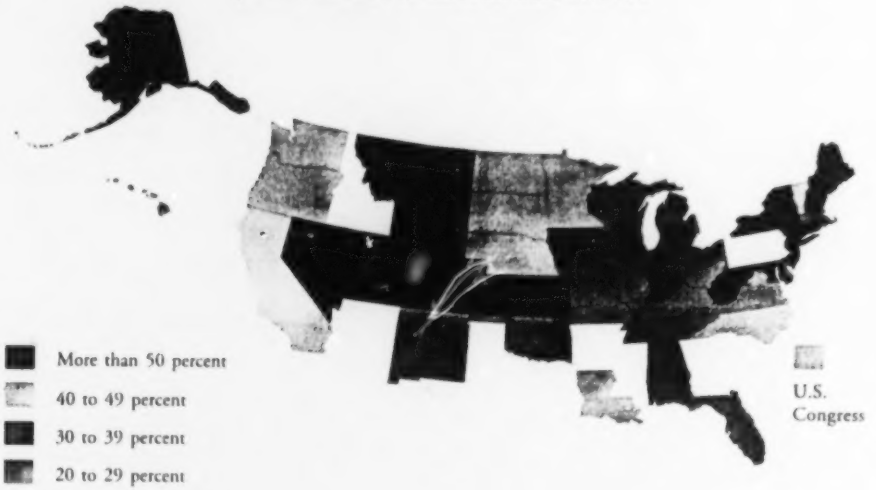
Especially if they come from competitive districts, incumbents cannot afford to relax their reelection efforts, if they want to return. Depending on the state, anywhere from 14 percent (Arizona) to 58 percent (New York) of the districts are competitive, as shown in figure 3. In Congress there is considerable difference between the two chambers. The House of Representatives is like the Arizona Legislature, with only 15 percent of the seats won by close margins. In the more visible U.S. Senate races, 25 percent of the seats are marginal.

Figure 3. Competitive Seats: Average Percentage of Legislative Seats Won by Less Than 60 Percent of the Vote, 1992-96



Source: National Conference of State Legislatures, 1999

Even incumbents from relatively safe districts take little for granted. They feel unsafe, no matter what their previous electoral margins were. They are always looking over their shoulder for a primary election opponent. They have seen colleagues whose districts were even safer than their own struck by electoral lightning, and do not want it to strike them. Without doubt, reelection is an important motivation of legislative incumbents, but it does not preclude other motivations that—in one combination or another—drive all legislators.

So they campaign hard. In populous, competitive districts, election campaigns are likely to be exhausting marathons that last several months. Many legislators represent small enough districts that they can campaign door-to-door evenings and weekends. All of them appear at candidate forums and debates. If they can afford it, they buy radio and television advertisements. Most make use of direct mail. Campaigns require not only the time and effort of candidates, they also require financial resources. And money, more than anything else, raises the questions of the integrity of those we elect to public office.

People who believe that money explains everything that happens in politics will doubt the honesty of legislators, among other elective politicians. Their doubts are based in part on how legislators are portrayed in the media. In several respects, legislators simply don't look good, even though they may be doing good.

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Many Americans cannot understand why legislators will spend so much time on public office when the salary is low in most states, and minuscule in a few. Most states have citizen legislators who supplement their legislative incomes with income from private employment. In a citizen legislature, there are always potential conflicts in which the public good can lose to the individual legislator's personal gain. Legislatures have enacted statutes and rules to guard against conflicts, and legislators are expected to abstain from participating on an issue if they feel conflicted. But prohibiting outside employment and getting rid of the citizen legislator is the only way to solve the problem. Few states have been willing to raise legislative salaries to a level high enough to justify preventing legislators from earning outside income. Most people in most states prefer the idea of a citizen legislature. Congress is the only legislature in the United States where members are banned from earning any outside income.

Members certainly are influenced by their professional and occupational backgrounds, but not because they stand to gain personally by voting one way or another. It is, rather, that they identify with the professions and occupations that have been part of their lives. They are likely to be sympathetic to that point of view. It is understandable that teachers support bills benefiting education, business people support bills reducing regulation, and doctors favor bills advancing health care. But to the public it may not look right and nowadays an appearance of conflict can be almost as damning as a conflict itself. Moreover, it is far easier to demonstrate, since *appearance* is in the eyes of the beholder rather than in the actual *behavior* of the legislator.

How can legislators maintain their integrity when they are constantly raising money for political campaigns? Most can and do; a few can't and don't. Many legislators do not raise a lot of money and support their campaigns with contributions from family and friends. Others raise larger amounts, but depend mainly on groups that support them because they already are allies. Campaign contributors are most likely to give money to candidates who are predisposed to support their positions. In other words, money follows the legislator's votes, rather than the votes following the money. Contributions are designed to help reelect friends and allies. What do these contributors get for their money that they wouldn't get otherwise? Not much. They get what any political supporters or local influentials would get—courtesy, an ear and consideration. Perhaps they get it somewhat more readily than non-contributors might. Despite public and media suspicion, there is no evidence that campaign contributions significantly influence legislators' decisions.

Some legislators who raise substantial amounts receive contributions from interest groups that are not giving simply to help reelect allies. They are contributing to gain access, or even more. At the least, such contributions (that normally go to well-positioned incumbents who are not likely to lose) may soften potential opposition or activate potential support. And where the issue is of low visibility—both within and outside a legislator's constituency—and where the member has no position of his or her own, a campaign contribution can make a difference. It might cause the recipient to pay more attention to the group's policy justification for its position. After such examination, and without even being aware of the influence of the contribution, a recipient might rationalize support in terms of the merits of a group's policy claims.

The effects of campaign contributions on the behavior of legislators are both oversimplified and exaggerated. All sorts of factors besides campaign contributions shape the behavior of legislators:

- Their core principles and beliefs and their public records.
- The merits of an issue.
- Constituents.
- Organized interests.
- Legislative party leaders.
- The executive branch.
- Legislative committees and trusted colleagues.
- Family and personal friends.

Of these, the most important are probably their core values and the views of constituents. Party positions and the recommendations of friends and trusted colleagues also weigh heavily. On the big issues, these factors are more important than campaign contributions.

This is not to suggest that money has no effects. Contributions matter most on relatively minor issues—that is, issues that matter neither to constituency, party or individual legislator. These issues do matter, however, to the interest groups that are promoting or opposing them. Rarely, however, do contributions affect outcomes on the major issues of public policy, where the other factors play a greater role. Contributions are more likely to influence how active and vocal a legislator is on an issue than they are a legislator's basic position or vote. Finally, contributions may significantly influence the few lawmakers who can be swayed by financial support.

Although a few legislators may be corrupt and a few more may be ethically challenged, the overwhelming majority of American legislators are honest men and women who are trying to meet standards that are high and that have become even higher in recent years. Lee Hamilton, a highly respected member who served in Congress for 34 years, says, "People like to dwell on misbehavior. In my experience in Congress probity is the rule, not the exception." Every institution, including every legislative chamber, has a few bad apples. But that is no reason to assume that the entire barrel is spoiled.

2. How Legislators Are Linked to Constituents

What People Think

Legislators do not care what regular people think.

How It Really Works

Legislators are very concerned about what people in their districts want and need. Everybody's opinions are invited and welcome before the legislature. But organized groups that have sizeable memberships or major employers in their districts may have more influence than individuals alone.

Three of five Americans tell pollsters that "public officials don't care much what people like me think." For them, government at both the national and state levels is run by a few big interests and a bunch of politicians looking out for themselves. Almost half the respondents to a National Elections Study poll say that they think members of Congress would pay very little or no attention if they contacted them. State legislators did not fare much better: 41 percent of the public thinks that state lawmakers would pay very little or no attention if contacted. Among young people between the ages of 18 and 24, a National Association of Secretaries of State Survey found that two-thirds of them feel that their generation's voice is important, but no one is listening. If only elected public officials would listen, people believe, the system would work better and things would be better.

Whatever their beliefs, however, most Americans are both uninformed about and uninvolved with politics. They are too busy with their jobs, their families and recreation. Anyway, they think public issues are too complicated and politics are too dirty. Furthermore, if no one listens to them, why should they be involved? Ironically, even though they don't want to be involved, they don't trust those who are involved—the politicians, the lobbyists and the organized groups who represent some of their interests.

In reality, people's views are far off the mark. Legislators care more about what their constituents think than they care about anything else, save perhaps the dictates of their own consciences. And, more often than not, conscience and constituents are aligned. Legislators' concern for ordinary constituents results from three sets of factors. First, lawmakers resemble their constituents in a number of important respects, even though they differ in having made a serious commitment to politics and public service. Second, they truly believe that the job of the representative is to take into account the desires and promote the interests of those they represent. Third, if they do not do right by their constituency, they run the risk of defeat in the next election.

A former member of the highly professional California Legislature characterized the membership, saying, "On the whole, the California Senate and Assembly are a reasonable representation of the people of the state." And a rather likeable bunch as well, he added. In the

past, lawyers dominated legislatures; there are fewer lawyers today, but more teachers and other jobholders. Legislators are better educated than the average American, but the educational gap between office holders and voters is not that great. More important, minorities are more adequately represented in the ranks of legislators nowadays, and the proportion of women has increased nationwide in state legislatures from 9 percent in 1977 to 22 percent today, as shown in table 4. Women make up 12 percent of the membership of Congress, up from three percent two decades ago. Legislators do not exactly mirror the populations of their states but, like other people, they have to live on modest salaries, worry about their family budgets, and work at regular jobs outside the legislature.

Table 4. Percentage of Women and Minorities in State Legislatures and the U.S. Congress

State Legislatures

Year	1971	1981	1991	1999
Women	4 %	12 %	18 %	22 %
Blacks	2 %	5 %	6 %	8 %
Hispanics	NA	NA	2 %	3 %

U.S. Congress

Year	1971	1981	1991	1999
Women	3 %	4 %	6 %	12 %
Blacks	3 %	3 %	5 %	7 %
Hispanics	1 %	1 %	2 %	4 %

Note: Numbers of Hispanic legislators not available before 1991.

Source: National Conference of State Legislatures; National Association of Latino Elected Officials; Center for American Women and Politics; National Black Caucus of State Legislators; Vital Statistics on Congress, 1999-2000

Legislators identify with their districts. They live there, work there, and have made friends and established connections there. Many have grown up there. If the district has predominant views and attitudes—whether generally conservative or liberal or focused on a given issue—legislators probably share them. The legislator is not an outsider but is very much a part of the community that he or she represents. Even members of Congress, who are often accused of being "inside the beltway," are rooted in their districts. Most return to their districts virtually every weekend.

How legislators relate to their constituencies depends on many things. District size is one of the most important. Legislative districts vary enormously from state to state, as shown in table 5. At one extreme are the more populous states, where districts contain relatively large populations. In California, for example, each of the 40 senators represents about 744,000 people. California Senate districts are larger even than U.S. House constituencies, which average 609,000 in population. At the other extreme, the least populous states have comparatively small populations in each legislative district. In New Hampshire, for example, each of the 400 house members has approximately 2,770 constituents (although some districts are multi-member and have larger populations).

Representation probably is easier in smaller than in larger districts. Smaller districts are likely to be more homogenous, with fewer competing interests. The legislator does not get pushed and pulled in as many directions. Moreover, in states like South Dakota and Vermont, it is easier for representatives to meet personally with a much larger portion of their district—by attending community group functions, marching in parades, or chatting with constituents at the supermarket—than it is for representatives in states like California and New York or members of Congress.

Almost everywhere, legislators reach out one way or another to connect with constituents. They send out mail and newsletters and conduct polls. In the more professional legislatures, they host cable TV talk shows or report via cable to their constituents. In an increasing number of states, legislators have e-mail addresses that facilitate instant access. In about one-quarter of the states, they have district offices and staff that help them keep in contact with constituents and constituency groups.

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Table 5. Legislative Districts

State/ Jurisdiction	Senate		House	
	Seats	District Population	Seats	District Population
U.S. Congress	100	Entire State	435	609,000
Alabama	35	122,088	105	40,696
Alaska	20	30,350	40	15,175
Arizona	30	147,602	60	73,801[a]
Arkansas	35	71,708	100	25,098
California	40	796,956	80	398,478
Colorado	35	109,219	65	58,810
Connecticut	36	90,951	151	21,684
Delaware	21	34,516	41	17,679
Florida	40	360,000	120	120,000
Georgia	56	131,308	180	40,851
Hawaii	25	47,349	51	23,210
Idaho	35	33,979	70	33,979[a]
Illinois	59	200,789	118	100,394
Indiana	50	116,811	100	58,405
Iowa	50	57,036	100	28,518
Kansas	40	64,304	125	20,577
Kentucky	38	102,203	100	38,837
Louisiana	39	111,553	105	41,434
Maine	35	35,523	151	8,234
Maryland	47	107,906	141	35,969
Massachusetts	40	152,309	160	38,077
Michigan	38	252,483	110	87,221
Minnesota	67	69,519	134	34,759
Mississippi	52	52,233	122	22,263
Missouri	34	157,609	163	32,875
Montana	50	17,587	100	8,794
Nebraska	49	33,716	NA[b]	
Nevada	21	76,341	42	38,171
New Hampshire	24	48,437	400	2,906
New Jersey	40	199,698	80	199,698
New Mexico	42	40,795	70	24,477
New York	61	298,111	150	121,232
North Carolina	50	146,457	120	61,024[a]
North Dakota	49	13,133	98	13,133
Ohio	33	338,569	99	112,856
Oklahoma	48	68,769	101	32,682
Oregon	30	106,791	60	53,396
Pennsylvania	50	241,122	203	59,390
Rhode Island	50	19,805	100	9,902
South Carolina	46	80,408	124	29,829[a]
South Dakota	35	20,926	70	20,926
Tennessee	33	161,202	99	53,734
Texas	31	617,041	150	127,522
Utah	29	68,983	75	26,673
Vermont	30	19,622	150	3,924
Virginia	40	166,886	100	66,755
Washington	49	112,917	98	112,917[a]
West Virginia	34	53,699	100	18,258
Wisconsin	33	156,357	99	52,119
Wyoming	30	16,047	60	8,023
Puerto Rico	29	133,107	52	74,233

Notes: District size is calculated by dividing the number of seats into total 1996 population. District sizes are for single-member districts in states with mixed district types.
[a] Two-member districts.
[b] Unicameral legislature
Source: National Conference of State Legislatures, 1997.

When they are not actually making laws, legislators spend an increasing amount of time visiting with constituents and listening to their concerns. Their constituents expect them to be on call, and they are. Few legislators are willing to disappoint constituents or risk being perceived as unavailable. During the course of a year, about one in five citizens write to a legislator on an issue or a problem. Just about everywhere, the overwhelming majority of individual constituents are uninvolved (although they may be represented by one or more interest groups). It is up to legislators to reach out to them, and most make a major effort to do so. A Georgia legislator, for example, says that he calls 20 of his constituents every day of the legislative session to ask how they feel about issues that are before the legislature.

Legislators reach individuals in their constituencies by providing them service—called case-work—in response to individual requests. A constituent may need help with a specific problem—a road repair, traffic light, driver's license, property tax rebate, or just about anything else imaginable.

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Where legislators have personal staff (such as in Congress and the states indicated in table 6), the legislator is better able to respond to a constituent request. In most states, though, legislators have little or no help to handle the correspondence and phone calls. Some who have their own businesses can draw on those resources to support their casework. A freshman legislator from Georgia says, "When I became a legislator, I saw my insurance business go from selling insurance to solving Joe's prison problem."

Table 6. States and Jurisdictions That Provide Year-Round Personal Staff to Members, 1998

State/ Jurisdiction	Senate		House	
	Capitol	District	Capitol	District
Congress	◆	◆	◆	◆
Alabama	◆			
Alaska	◆		◆	
California	◆	◆	◆	◆
Connecticut	◆			
Florida	◆	◆	◆	◆
Hawaii	◆		◆	
Illinois	◆	◆	◆	◆
Louisiana		◆		◆
Maryland	◆			
Massachusetts	◆		◆	
Michigan	◆		◆	
Minnesota	◆			
Missouri	◆	◆	◆	
Nebraska	◆			
New Jersey	◆	◆	◆	◆
New York	◆	◆	◆	◆
Ohio	◆		◆	
Oklahoma	◆			
Oregon	◆		◆	
Pennsylvania	◆	◆	◆	◆
South Carolina	◆			
Tennessee	◆		◆	
Texas	◆	◆	◆	◆
Washington	◆	◆	◆	◆
Wisconsin	◆	◆	◆	
Puerto Rico	◆	◆	◆	◆

Note: Some other states provide shared or session-only personal staff to members.
Source: *Book of the States*, 1998-99.

There are few lengths to which legislators will not go in order to serve constituents, as is indicated by the experience of an Oklahoma representative. A constituent called him at home to complain about the overgrowth of weeds on the median strip of the local highway. Although the representative tried several times, he could not get the highway department to do anything. So, he drove his own lawnmower to the highway and cut down the weeds himself. That is casework above and beyond the call of duty.

Legislators also try to confer benefits on their constituency as a whole, which is known as "bringing home the bacon." Representatives are expected to direct resources to their districts (and prevent resources from being taken away). Doing so requires that legislators try to ensure that the funding formulas that provide aid to local units of government—and particularly to school districts—benefit their constituencies as much as possible. It also requires that legislators try to get as many projects for their districts as possible. Such "pork barrel" projects, as they often are known, normally have to be funded by items in the state

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budget. They range from major (such as funds for new government buildings, highway construction or convention centers) to insignificant (such as money to fund the out-of-state trip of the youth sports club drum and bugle corps, buy a van for transporting senior citizens or build a playing field for a high school).

Every district can make a case for its own special needs, and usually the district's case has some merit. Representatives are there to go to bat for the individuals and groups who come to them for assistance. It is ironic, therefore, that legislators are accused of trying to get projects for their districts in one breath and of being unresponsive to their constituents in another.

When it comes to expressing concern, helping constituents with their government-related problems, or getting state aid and projects for their constituency, the role of the representative is relatively straightforward. Acting as an agent for the constituency on policy matters is more complicated, because few constituents have policy demands other than at a most general and consensual level. Few citizens communicate their demands, if they have them, and most policy demands on legislators come from organized groups, consisting of a relatively small proportion of the total constituency. Moreover, groups within a district frequently do not agree on policy but, rather, come into conflict over what should be done. Constituents disagree, too.

Still, legislators are exceptionally sensitive to local opinions and concerns. There is little doubt as to which way they vote when the wind is blowing in one direction on such matters. For example, a legislative leader in Massachusetts fought against the governor and business interests that wanted a new runway at Logan Airport in Boston. His district, which would have been adversely affected, was very much opposed to anything that increased air traffic.

Whatever the issue, if district opinion is clear and vocal, the legislator will follow suit. The number of instances in which the constituency feels one way and the representative acts another are few and far between. Seldom does a legislator's conscience, campaign contributions or anything else come between the representative and a mandate from the constituency. Such mandates are rare, however. Usually, legislators must rely on their own judgment—weighing a number of factors that include the merits of an issue; their own beliefs; the arguments of various groups; recommendations from legislative leaders, committees, colleagues and the chief executive; and views of individuals in the district.

Representatives ought to act in the interests of their constituents and, insofar as possible, in accord with their wishes. This they certainly do. The problem is not that legislators are unresponsive but, rather, that responsiveness to their constituency sometimes may be at the expense of the general good of the entire state.

3. Where People Stand

What People Think

Americans agree on what is right and what is necessary, so the legislature should just pass the laws that the people want.

How It Really Works

People in our diverse and pluralistic system do not agree on issues except at a general level. It is the job of the legislature to resolve the clash of values, interests and claims.

Political theorists disagree about whether consensus assists or hinders the functioning of democracy. On the one hand, many contemporary theorists take the view of Rousseau that a substantial consensus is needed for a democracy to work. On the other hand, James Madison offered the view that democracy would work better when divergent views were rampant. Regardless of whether one's vision of the ideal democracy is closer to that of Rousseau or Madison, it is clear that the level of general agreement or disagreement in society is a vital characteristic. If we are to understand a collection of people, one thing we must know is the extent to which they tend to agree on matters of concern to the community.

Although they might differ with regard to the details, most Americans believe there is general societal consensus on the major and important matters: on the goals and aspirations for the country, if not on the precise mechanism for achieving those goals. And even with regard to achieving goals, many people believe that hard work by unbiased, reasonably intelligent decision makers will reveal a best (or at least perfectly appropriate) way to proceed.

A random national survey of nearly 1,300 American adults conducted in the late spring of 1998 yielded typical results. In that survey, respondents were asked if "the American people agreed on the most important problem facing the country." Notice that this item asks respondents only to identify a problem, not to recommend a solution. Most people responded that there is a substantial level of agreement as to the most important problem. Just one of five respondents said "very few" Americans agreed, while one of three stated that "most" Americans agreed on the most important problem (the rest said "some" agree on the key problem). When attention shifted to the matter of solving whatever problem the respondent identified as the "most important," people admitted that there is somewhat more disagreement, but even then nearly two of three said that either "some" or "most" people agree on the solution.

More startling is the response to a different survey item that asked respondents to agree or disagree with the following statement: "The American people disagree with each other so much that the politicians need to compromise." This would appear to be an obvious proposition. Moreover, survey respondents have a bias toward giving "yes" answers, so we would expect a high positive response to this question. But nearly one-half of all respondents

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disagreed with this statement. Apparently, a majority of Americans believe that compromise in society is not necessary because they think everyone agrees on most things.

So the popular wisdom as to the level of public consensus would seem to be that, although not everyone agrees on every issue, general agreement exists on the important core matters. Most people have convinced themselves that, to the extent that disagreement exists, it pertains only to the specifics of policy and that these specifics are unimportant.

The truth is very different than this perception of public consensus. In reality, the American people do not even agree on the identification of the most important problem facing society, let alone on the best way of solving that problem. In the same survey, when people were asked to identify the most important problem, the one receiving the most mention was "a decline in values and morals." This was mentioned by only 94 of the 1,263 respondents (7 percent), however. Nineteen other problems were identified as the most important by at least 20 people. This constitutes an amazing range of opinion. Contrary to what Americans tend to believe, as a society we do not come close to agreeing on the most important problem.

When attention is shifted to the issue of appropriate strategies for addressing that most important problem, the divisions multiply. For example, 82 people said crime was the most important problem (7 percent), but even those 82 people differed on what to do about it. Although 47 percent of all respondents said that crime should be tackled by "addressing the conditions that cause crime," 34 percent said that we should "get tough with criminals" (and another 19 percent took the safe position of "both"). Among those who saw crime as the most important problem, the tough on criminals strategy, not surprisingly, was slightly more popular. The interesting point, however, is that divisions of opinion on the best strategy for dealing with crime persist even among those who see crime as the most important problem. Of the 82 who said crime was America's biggest problem, 35 favored addressing the conditions that cause crime in the first place and 34 supported getting tough on criminals. The remaining 13 wanted to do both at the same time. Opinion could not be more divided.

The evidence presented with regard to crime could be duplicated for virtually every other policy area. People disagree about whether a particular issue is the most important problem facing the country, they disagree on what to do about it, and they have varying intensities of feeling about the benefits of various strategies. Regardless of what the people believe (or want to believe), the level of disagreement among members of the American public is remarkable.

This same conclusion is evident in many other soundings of the American public. Every two years, a major investigation of voting behavior and public opinion is conducted by the National Election Studies (NES) at the University of Michigan. In 1998, as in other election years, NES administered a detailed questionnaire to a large random sample of American adults. Several issue-oriented questions were included, and the responses emphasize the extent to which people disagree.

One question in that survey asked if people thought we had "gone too far in pushing equal rights in this country." Forty-five percent agreed, but an almost equal 42 percent disagreed (the remaining could not decide). Another question asked if "organized religious groups should stay out of politics or is it important for them to stand up for their beliefs in

politics." Forty-seven percent said organized religious groups should stay out of politics and 51 percent said they should stand up for their beliefs.

More specific policy proposals also produced about as much division as is possible. "Do you favor or oppose a school voucher program that would allow parents to use tax funds to send their children to the school of their choice, even if it were a private school?" Just over 46 percent favored vouchers and slightly fewer than 48 percent opposed vouchers. Another item read: "Some people have suggested placing limits on foreign imports in order to protect American jobs. Others say that such limits would raise consumer prices and hurt American exports. Do you favor or oppose placing new limits on imports, or haven't you thought much about this?" Not surprisingly, given the nature of this item, a large percentage of respondents (more than 39 percent) confessed they had not thought much about this issue. But the telling point is that, of those who did venture an opinion, 52 percent favored new limits on imports and 48 percent opposed them.

More results from other policy-related questions could be presented, but the point is already made. On issue after issue the American public is divided over the proper course of action. Are school vouchers a technicality? Can we gloss over the fact that public opinion is basically split down the middle on this important issue? If government tries to follow the people's wishes regarding equal rights for all, what should it do in light of the fact that 45 percent of the people think we have gone too far and 42 percent think we have not gone far enough? Whatever the people tend to believe, the truth is that actual consensus on most real political issues is quite low.

Why do people tend to overestimate the level of agreement in society? In doing so, they are behaving in an explainable and fairly predictable fashion. For some time, psychologists have been aware of people's tendency to engage in "false consensus," that is, to believe the level of agreement is higher than it actually is. The reasons for this tendency are deeply rooted in human nature. First of all, we tend to associate with people who are like us in certain respects. And, if they are like us in certain respects, this increases the odds they will be like us in others. People who live in the same neighborhood, work at similar jobs, have children who attend the same schools, or enjoy the same leisure pursuits are more likely to agree with the political views of their fellow travelers than with those of people with whom they do not come into contact. Therefore, when we discuss politics, it often seems as though people with whom we talk agree with us.

Moreover, well-known patterns of personal interaction exacerbate the appearance of agreement. Specifically, a "group-think" process frequently pervades discussions. Group think is when a view stated often and with authority discourages those with contrary views from offering them for group consideration. Those who agree say so, and those who do not will come around to the new position or remain silent. Either behavior gives the appearance that more consensus exists than really does. We are social creatures who prefer to have a sense of belonging, of sharing with our colleagues, and of being a part of something bigger than ourselves. Part of this belonging often includes agreement on political issues of the day, so we have a psychological stake in believing that our views are shared by most other reasonable human beings in our society. This stake may lead us to use perceptual screens to ignore information that provides evidence of dissension and to assume evidence of a consensus among all those of good heart. Although we all know people who delight in being contrary, most of us seek vindication of our own beliefs by viewing others as agreeing with us.

When we do acknowledge the existence of disagreement, we often ascribe it to unusual people. A widespread belief is that the "silent majority" is in fundamental agreement on important issues. It is a perfectly understandable human tendency to believe that many others hold our views. After all, if they make sense to us, they probably make sense to others who are reasonable. In fact, it may be that those who do not agree are therefore not particularly reasonable. Agreement becomes a sign of reasonableness and disagreement a sign that the person holding such a view does not agree with popular opinion.

The people who disagree with popular opinion are likely to be perceived as under the influence of special interests. Many Americans view these special interests as the embodiment of evil. In a way, the currently popular interpretation of the phrase "special interest" is instructive. Special interests could be accorded a great deal of respect. What could be more important to a democratic political system than making sure that all interests are treated as though they were "special" interests? If our interest is special rather than ordinary, then it is all the more important that we work to make sure the government is aware of it and that government is sensitive to it. But far from being viewed as noble, the term "special interests" in American politics conjures up notions that are quite different. The basic vision of a special interest is of one that receives more attention than it deserves. Americans do not like to think of any interests as special; we like to think of all interests as the same, as being a part of the general interests of the majority, perhaps as part of a Rousseauian general will. The sneering contempt for special interests is perfectly consistent with the people's common interpretation that quiet, silent, majority interests are legitimate, but noisy special interests are not.

Although we might all wish for a singular and definitive view of the people, the evidence suggests that we must adjust to the fact that there is no majority opinion with which we can associate ourselves. We are going to have to legitimatize our views in some fashion other than by simply our belief that they are be held by a large segment of the population. Democracy is about giving voice to everyone, not only to those who are convinced that they hold the majority views.

There simply is no consensus on important political matters in the United States. Disagreement cannot be assumed to exist only on trivial matters. The devil is in the details, and so allegedly trivial matters quite often are the very core of policy decisions. Disagreement also cannot be written off as the product of a few wild and misguided protestors. Instead, it must be embraced as a vital part of life in a modern, highly populous, differentiated, technologically complex, ethnically diverse, mobile society such as ours.

If we do not recognize legitimate diversity in political views, we will not be in a position to understand the challenges facing democratic government as it tries to reconcile those diverse views. With the recognition of diversity firmly in mind, the issue then becomes what to do about it. If we lived in a non-democratic system, the presence of diversity among the people would be irrelevant. Since we live in a democracy, however, working through diversity to achieve proper, acceptable solutions becomes a real challenge. Meeting this challenge is what legislatures do, because they deal daily with the disagreements that exist among their citizens.

4. How Special Are Interests?

What People Think

Legislators are the servants of special interests that look out for themselves, not the will of regular people. A few big interests run the government.

How It Really Works

There is an organized group for almost every conceivable policy interest that anyone might have. The number and diversity of organized interests ensure that all sides of an issue are heard but not that any one group comes out ahead.

One of the most lopsided responses to the 1998 National Election Survey poll came when people were asked to agree or disagree with the statement that "special interests have too much control of what government does." Fully 79 percent of all respondents thought special interests have too much power. When asked, "Would you say the government is pretty much run by a few big interests looking out for themselves or that it is run for the benefit of all people," only one-quarter say it is for the general good.

The country's youth are even more disgruntled than their elders are. Those in the 18- to 24-year-old age group are especially suspicious of special interests. According to a National Association of Secretaries of State survey, nine out of every 10 of them agree that a few big interests are running the government.

These kinds of responses are to be expected. Perhaps a more surprising one came when the National Election Survey asked if "interest groups should be prohibited from contacting legislators." Even though a majority believed this was not a good idea, it is remarkable that 46 percent supported a complete removal of the right to petition legislators. That so many people are in favor of a concept that is clearly in violation of the First Amendment to the U.S. Constitution indicates the extent to which people believe special interests control the legislative process.

People banding together in groups to advance their interests is a traditional feature of American politics. James Madison, in the *Federalist Papers*, recognized that individuals organized themselves into factions to promote their passions and interests. For Madison, a faction was "... a number of citizens, whether amounting to a majority or minority of the whole, who are united and activated by some common impulse or passion, or of interest..." Factions are natural phenomena, "sown in the nature of man," according to Madison.

Farmers, merchants, laborers, veterans and dozens of other groupings of citizens organized themselves as factions or interest groups in the 18th and 19th centuries. As government grew and politics became more complex, citizens have increasingly relied on groups to represent their interests. Congress and the state legislatures today are the focal points of core activities in a democracy. Citizens come to see their legislator, groups like the League of Women Voters and the teachers' union send their leaders and their lobbyists to make

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their case, and a host of interests—from child advocacy organizations to gambling industry groups—turn to lobbyists to press their respective causes.

Still, establishing a group is neither easy nor natural. There are many costs to organizing large groups of individuals, and the benefits that flow to a given individual in a group may not be worth the investment. Conversely, many interests will find taking part in a group and lobbying to be a good investment, given the importance of the decisions made by the legislature. Even the difficult to organize—such as consumers, welfare clients and environmental advocates—form groups and become involved in legislative politics at the state capital.

There are groups representing almost every interest imaginable. The *Encyclopedia of Associations* lists more than 20,000 national organizations—trade, business, legal, educational, social welfare, health, labor and so forth. In a state capital, groups represent American life literally from cradle to grave—from nurse midwives to casket manufacturers. Some are continually active in pressing their claims on the legislature, others are intermittently active, and still others exist but rarely turn to government for help. Table 7 presents a list of groups that are present and active in the states.

Similarly, *Fortune* magazine ranked the top lobbying organizations before Congress. The top 10 included:

1. American Association of Retired Persons
2. National Rifle Association
3. National Federation of Independent Business
4. American Israel Public Affairs Committee
5. AFL-CIO (American Federation of Labor-Congress of Industrial Organizations)
6. Association of Trial Lawyers of America
7. Chamber of Commerce
8. National Education Association
9. National Right to Life Committee
10. National Restaurant Association

Nearly eight of every 10 Americans are members of an organized group with a policy agenda. About 40 percent of Americans are members of more than one group. For just about every view that a citizen has there is one group or another promoting that view. Whether people are members of the relevant groups or not, their opinions have a voice in the policy arena. In short, the so-called "special interests" are not the enemy; they are us.

The U.S. Constitution guarantees people a voice—free speech and the right to petition—and groups retain lobbyists to do the speaking for them. Lobbyists come in a variety of forms; some are employed in-house by a group and others are hired on a contractual basis, working on a retainer or issue by issue. Either way, lobbyists are much like attorneys. They know the legislative process as attorneys know the law. They also know the issues in dispute. Lobbyists represent their clients by advocating their interests in the lawmaking process.

As citizens, we have no objection to the principles involved and we do not want the expression of our *own* interests (which we tend to equate with the public interest) stifled, but nevertheless we are mightily suspicious of lobbyists and lobbying. Indeed, two-thirds of

Table 7. Ranking of the 25 Most Influential Interests in the 50 States in the Early 1990s

Rank	Interest Group	Ranking in States: Most Effective (no. of states)	Moderately Effective (no. of states)	Less Effective (no. of states)
1	Schoolteachers' organizations (predominantly NEA)	43	5	2
2	General business organizations (chambers of commerce and the like)	37	16	1
3	Utility companies and associations (electric, gas, water, telephone, cable TV)	23	24	7
4	Lawyers (predominantly trial lawyers and state bar associations)	26	14	14
5	Traditional labor associations (predominantly the AFL-CIO)	22	13	15
6	Physicians and state medical associations	22	12	16
7	Insurance: general and medical (companies and associations)	21	15	16
8	Manufacturers (companies and associations)	20	15	21
9	Health care organizations (mainly hospital associations)	15	24	14
10	Bankers' associations (includes savings and loan associations)	21	11	18
11	General local government organizations (municipal leagues, county organizations, and so forth)	16	21	15
12	State and local government employees (other than teachers)	18	14	21
13	General farm organizations (mainly state farm bureaus)	14	20	17
14	Individual banks and financial institutions	14	8	28
15	Environmentalists	9	16	26
16	Universities and colleges (institutions and personnel)	7	16	28
17	Realtors' associations	8	12	30
18	Individual cities and towns	8	12	32
19	Gaming interests (racetracks, casinos, lotteries)	7	11	33
20	Contractors, builders, developers	7	10	34
21	Liquor, wine, and beer interests K-12 education interests (other than teachers)	7	10	35
22	Retailers (companies and trade associations)	6	11	34
23	Senior citizens	1	19	30
24	Mining companies and associations	6	7	38
25	Truckers and private transport interests (excluding railroads)	5	8	37

Source: Clive S. Thomas and Ronald J. Hrebenar, "Interest Groups in the States," in *Politics in the American States*, 6th ed., edited by Virginia Gray and Herbert Jacob (Washington, D.C.: CQ Press, 1996), 149-159.

respondents to one national poll said that the role of lobbying was either a very serious threat or a somewhat serious threat to American democracy. In a state poll conducted by the University of Connecticut, people were asked: "Do you think lobbyists can be useful to government, or would we be better off in all respects if there were no lobbyists?" Although

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50 percent thought that lobbyists could be useful, as many as 40 percent thought that it would be better if there were no lobbyists.

Organized groups and lobbyists contribute in important, even crucial, ways to the legislative process and to the result that emerges. This is far from the perspective most citizens have when they view the legislative process. They see lobbyists as "influence peddlers," heaping gifts, favors and campaign contributions upon lawmakers who are all too willing to do their bidding. Such a perspective has been buttressed during the past decade or so by legislative scandals in a number of states, including Arizona, California, Kentucky and South Carolina. Despite the fact that there are examples of both lobbyists and legislators who are untrustworthy or corrupt, the vast majority of members of both groups are ethical and trustworthy.

If there is a driving force behind the most cynical public view of lobbyists and legislators, it comes from the media or from citizens' groups who fear that the worst is always happening and advocate extraordinarily tough standards for controlling dealings between lobbyists and legislators. In a number of states, for example, in reaction to even the appearance of unethical behavior, legislatures passed a "no-cup-of-coffee" rule. That is, a lobbyist cannot spend even a dollar or two on a legislator for fear of creating the appearance of getting something in return.

The distrust is not new; it has a long history in American political life, dating to the excesses of the 1870s, the Gilded Age. The nation was industrializing, and all governments—national, state and local—were becoming more powerful as they granted subsidies, determined where roads would be built and laid the structural foundations for urban life. The incentives to influence governmental policies increased rapidly at the end of the 19th century and have grown even faster in the post-New Deal era of governmental expansion.

Ironically, although people have long harbored suspicions of lobbyists and so-called special interest groups, they also have clamored for the forceful representation of their own interests. No better example exists than American farmers, who have often expressed a desire to be left alone by the government, but whose organizations—such as the American Farm Bureau Federation—have lobbied hard for particular government benefits.

Interest groups either have lobbyists on their staff (in-house lobbyists) or hire consultants (contract lobbyists) to represent them. Experienced, expert lobbyists are valuable because of their knowledge of the issues and their understanding of the legislative process. The lobbyists may call on rank-and-file members to participate in grass roots activities.

"Special interests" and lobbyists are a favorite target of the media, whose focus is almost always on questionable behavior and undue influence. In Kansas, for example, the capital media report every three months on the funds spent to influence the Legislature, even though the data are incomplete and expenditures are relatively modest. Indeed, as much as anyone, reporters and editors have generated the story line that equates money—whether given as campaign contributions or spent on socializing—with producing unwarranted influence. This is a much easier story than a complicated narrative that seeks to sort out the intricacies of complex policy decisions, where "white hats" and "black hats" are not so easily identified and where most expenditures go toward informing legislators.

Lobbyists and the interests they represent make use of a variety of techniques to persuade the legislature of their point of view. Not only do they contribute to campaigns, usually supporting candidates with whom they already agree, but they also work to build relationships with as many legislators as possible. Relationships contribute to feelings of trust, and trust in the information conveyed and commitments made is important to everyone in the legislative process. Of increasing significance as a lobbying technique is the grassroots campaign in which groups mobilize members, employees and supporters to write to or visit with legislators in order to advance their cause.

Probably as vital as anything are the information and justifications that lobbyists provide to legislators about issues. Persuasive technical, substantive, and political information and arguments on the merits make a big difference in the process. Lobbyists know that they dare not mislead legislators for fear that they will lose trust. But lobbyists have their own viewpoints, and they argue them forcefully. Oil company representatives argue from the perspective of their industry, child advocates present their stories and analyses, and teachers make the case for public schools.

Legislators and lobbyists interact on issues in a variety of ways. Sometimes legislators may need a quick briefing on an unfamiliar bill. Calling several trusted lobbyists may provide enough information for the legislator to take a position or cast a more intelligent vote. On a more complicated issue like health care reform or telecommunications regulation, lobbyists and groups may provide detailed research, information and expert testimony. Most often, lawmakers obtain information from several lobbyists and groups, which they then use to sort through the complex issues that confront them.

Lobbying in Congress and in just about every state is vastly different than it used to be. The days of socializing, entertaining and junketing, with lobbyists picking up the tab and legislators enjoying their generosity, are over. Ethics laws and regulations, a vigilant press corps and public perceptions have commanded an arms-length relationship between legislators and lobbyists.

Looking at the variety of groups that come before the legislature, we can ordinarily identify a wide range of interests. It is good that there is representation of a large number of perspectives. But all interests are not equal; far from it. Some interests simply have many more resources than their opponents. In many rural states, for example, agricultural interests such as chemical fertilizer manufacturers or large corporate farms often have prevailed on water quality issues, even though there are lobbyists who advocate on behalf of the environment and recreation interests. Many diverse groups lobby the legislature, but those representing major economic interests often dominate the process. This is partly because those with clear, concentrated interests organize more easily and effectively than do those who represent broad, dispersed interests. For example, electricity producers have a major, immediate concern in legislative outcomes. Consumers of electricity also have a concern, of course, but the stakes for each individual electric customer are quite low compared to those of the utilities.

All kinds of resources contribute to the influence of a group. A large membership distributed among many legislative districts is a major resource. That is why teachers' associations have clout. A group that is single-minded and passionate with an appealing program is taken seriously. That accounts for the success of Mothers Against Drunk Driving (MADD). Corporations that are economically important to a state or a district are given great consid-

eration. This explains the influence of the insurance industry in Connecticut, pharmaceuticals in New Jersey, or Microsoft and Boeing in Washington. Groups that have access to the media also are influential. Organizations like Common Cause and the Public Interest Research Group (PIRG) have had their share of success. And groups with objectives that are limited, costless and noncontroversial fare well in the process. The associations of certified public accountants are examples of groups with modest demands and high success rates.

Despite the inequality among interests represented before the legislature, other countervailing forces operate against the concentration of power by a handful of moneyed interests that might dominate the process of providing information to legislators and influencing their decisions. Executive agencies, legislative staff and the press offer alternative sources of information that regularly offer different perspectives from those of organized interests. Most important, legislators have their own beliefs, and they also must respond to the wishes of their constituents. Especially on high-profile issues or those of major concern to their districts, lawmakers may have little political freedom and no inclination to ally themselves with interest groups that run counter to the beliefs or desires of their constituency.

Lobbyists, interest groups and individuals have two major avenues to influence legislative decisions. First, they can convince the legislators who are currently in office to make decisions that will produce a favorable policy outcome—e.g., a tax cut, highway expenditures or an increase in education funding. This is ordinary lobbying, although it may take any number of forms. Second, they can seek, through elections, to change the composition of the legislature by replacing adversaries with allies. If they can succeed in doing this, they will be able to deal with lawmakers whose viewpoints are similar to theirs.

Groups tend to support their friends in the legislature, even when those legislators do not face strong electoral opposition. Contributions often are based upon lawmakers' past actions, rather than on a desire to influence future decisions. The trial lawyers know that legislators who have voted with them in the past (against restricting the amount of punitive damages in a lawsuit, for example) will continue to support their cause. On occasion, however, the trial lawyers or any other group may desire to unseat enough of their opponents to obtain a majority for their position. Rarely, however, can a single interest group come up with the resources to affect enough races so that the legislature's decisions will change dramatically. For one thing, any group with a serious policy agenda is likely to be opposed by an equally motivated and well-financed group. The trial lawyers, for example, usually are opposed by business interests, insurance companies and medical societies.

The principal point to remember is that organized groups and their lobbyists represent legitimate interests and ordinary people. Often, these interests and people come into conflict with other legitimate interests and people. Directly or indirectly, the views of nearly all citizens are represented by one group or another or by several groups. Not everyone is represented equally and not every interest is equal in the legislature, but practically none is shut out of the process.

Organized groups and their lobbyists make the case for their interests in the legislature. In doing so, they serve as a useful part of the lawmaking process. But it is up to legislators themselves—with the interests of their constituents, their state and the nation in mind—to make their own judgments on the issues that come before them.

5. Why the Process Is Contentious

What People Think

The lawmaking process doesn't work well because of politics, unprincipled deal making and needless conflict.

How It Really Works

Legislating is a contentious process because it encompasses different and competing values, interests and constituencies, all of which are making claims on government or one another. Some differences are fought out, but most are negotiated, compromised and settled—at least to a degree and for a while.

Three impressions dominate public perceptions of typical legislative activities: bickering, deal making and pleasing special interests. The public is convinced that there is no need for arguing, negotiating or satisfying interest groups. In truth, these three activities, as unpalatable as they may be to much of the public, are essential for democratic governance and are best practiced in a legislative setting.

In the national survey conducted in the early summer of 1998, respondents were asked if they agreed that "elected officials would help more if they stopped talking and took action on problems." A whopping 85 percent of the respondents agreed. Perhaps this notable aversion to "talk" arose simply because of the attractiveness of "action," however. Who wouldn't prefer action to talk? Another item asked if "officials should debate more because otherwise they are too likely to rush into action without discussing all sides." In this proposition the alternative to talk (rushing to action prematurely) is clearly negative, so we would expect substantial agreement. But the surprising finding is that, even if the alternative is rushing to action prematurely, only 54 percent support debate. More than half the American public sees no value in debate of the sort routinely conducted by legislators. In fact, the public believes that "bickering," rather than debate, is a more accurate description of what goes on in legislatures.

Similarly, the public's negative view of deal making (compromise) can be seen in responses to the following survey item: "Compromise is really just selling out on one's principles." A surprising 56 percent of the respondents agreed with this statement, suggesting remarkable support for the view that compromise is negative and indicates an unwillingness to stand up for what one believes in. In the minds of a majority of Americans, apparently, compromise should be avoided, lest decisions be made without the aid and guidance of principles.

Unlike the case of the public being mistaken about the extent to which consensus exists in American society, the public's perception that legislators engage in debate, negotiation and compromise is accurate. The problem is in the public's view of the necessity and desirability of those activities. The public sees it as bickering, deal making and the desire to please special interests and thinks this is what is wrong with the legislative process. The truth of the matter is that these are the things that are right with the legislative process. Without

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them, decisions could not be made democratically, assuming a realistic level of political disagreement in society.

Much is revealed by the public's choice of words. "Bickering," "deal-making" and "special interests" all have decidedly pejorative connotations. People prefer these phrases to debate, compromise and representation because they see these actions in a negative light. But the reality is that governing in a democracy depends upon debate, compromise and representation. No doubt much of the public's disdain for these standard democratic features can be traced to faulty beliefs regarding societal consensus. It is true that if all members of society agreed, there would be no diverse positions to please or represent and there would be nothing to debate or to compromise. But as soon as we admit to the reality that diversity exists (and assuming we do not want to have a dictatorial government), representation, debate and compromise become absolutely essential.

Take representation. It is not true that any group that expresses a particular policy interest or preference is somehow guilty of falling off the bandwagon of a unitary general will. The existence of diverse interests is natural. It even makes life interesting. As much as Madison lamented the presence of diverse interests (he called them factions), he recognized that eliminating them would be a "cure worse than the disease." That we have different opinions about the problems facing society and different beliefs about the best ways of solving these problems is healthy. This diversity should be embraced. We all have interests, and our interests are not the same. Some may organize in pursuit of these interests, some may not; but in the end, all interests are special. (Often, we tend to think of our own interest as that of the public, while we see other interests as special.) When legislators pay attention to people who are expressing interests, they are making representative democracy work.

But what do legislators do once they have listened to these diverse interests? How do they do what is in the best interest of the diverse people within a particular state? This brings up the other two core legislative activities: debate and compromise. Legislators represent these interests in a public forum. They express ideas, both theirs and their constituents. In so doing, they provide information to others even as those others, in the course of communication and debate, send information back. Legislators both speak and listen as they deliberate and arrive at a decision.

Something called the Condorcet Jury Theorem holds that, by deliberating, a jury will come to a better decision than the jury would have rendered if there had been no communication among jurors. The improved decision comes about because each juror has private information that he or she picked up during the trial that may have been missed or forgotten by other jurors. Through the process of sharing this private information with the other jurors, more information is available to each person and a more enlightened verdict will be produced. More colloquially, we might recall the old adage that two heads are better than one. If the two heads just look at each other and do not share information, then two heads would not be better than one. But if the two heads discuss the situation, trade opinions, bounce ideas off one another, and debate the relative strengths and weaknesses of the various ideas, the two-headed decision probably will be superior.

Legislatures are forums where information and ideas from across the state are shared. Despite interpretations that the legislative process is based on campaign contributions, lobbying, pressure and politics, the fact is that just about every issue that comes before a legislature is discussed on its merits. What will a proposed policy or bill do for different people,

groups, counties and cities? Each side has to justify its position with arguments on the merits. The policy arguments are not always resolved, but they are always there. Usually, the debate makes a difference.

True, deliberation is no panacea. In a political arena, deliberation can sometimes be frustrating and uninformative, inflaming passions unnecessarily and unproductively. Nonetheless, without deliberation, how would representatives from one area learn of the preferences of those who live in other areas? With all its problems, deliberation is central to any realistic formulation of democratic government.

Even so, debate in and of itself cannot resolve conflict. At some point, a decision must be made. Even the most nobly conducted debates are unlikely to end all disagreements between opposing sides. Debate is valuable in narrowing differences and perhaps helping us to see issues from the point of view of our opponents, but it seldom eliminates differences or transforms opponents into teammates. Some degree of compromise is almost always necessary in the legislative process. A compromise, by definition, means that no party in the agreement will get all of what it wants. Such "half-a-loaf" outcomes can be disappointing, to say the least. We all naturally believe that, because our own cause is worthwhile, we should have received more.

Just as representing diverse interests and debating those interests is essential, so is compromising between and among the various interests. This is the only way to achieve a solution that is reasonably equitable. It is what legislatures do. The public may see this as "making a deal," which they are likely to view as negative. Once again, the misguided belief in societal consensus primarily accounts for public displeasure. If the presumed consensus existed, there would be no need for deals.

Americans also are convinced that, when faced with a problem, any group of unbiased and reasonably intelligent people could find the best (or at least a perfectly reasonable) course of action. Deciding on this course of action would not involve deals and compromises, but would simply involve seeing the light and being in touch with the majority of citizens. This progressive faith in the ability of people to locate good solutions flies in the face of reality. Even experts in a particular topic disagree on many things. Faith in the existence of a more or less scientific solution is comforting, but erroneous. Reasonable people can and do differ. Disagreement in a legislature is not a sign that something has gone wrong with the governing process; rather, it is a sign that people differ in their opinions and that our elected officials, if they are doing their job of representing us, also will differ in their opinions.

One reason people do not like what they see in legislatures is because, when they look inside legislatures, they see themselves. To illustrate this point, when decisions are left to ordinary people rather than elected legislators, it turns out that people are just as displeased with the decisions and the decision-making process. Consider the following quotes from four different people. "I get sick of it, sick ... I listen to 'em argue and wrangle and it goes on for hours." "It's just bickering back and forth ... nothing but a big fight." "There are too damn many arguments." "You get quarreling and a big hubbub." It would be reasonable to assume that these comments were directed at Congress or some other legislative body. In actuality, they are comments made by people who had just participated in a New England Town Meeting (the quotes can be found in *Beyond Adversary Democracy*, a book by Jane Mansbridge). Tellingly, people are just as disgusted by dissension and debate

when they are involved with it as they are when they observe it in Congress or in a state legislature. The problem is, because of their openness, legislatures are more likely to be seen in conflict—and this is where problems with public perceptions develop.

Conflict exists in our society. Somehow, decisions must be made despite this conflict. Legislatures are the arenas in which conflict is most visible. A primary reason that people do not like legislatures is that they do not like dissension, debate and compromise. But these conflict resolution processes cannot be removed from legislatures without making the legislative process undemocratic and unrepresentative.

Conflict is built into our legislative system in a variety of ways. Legislators represent different geographic areas and people with different interests. Legislators are expected to defend the interests of the people they represent. This may involve doing battle with other legislators. Representatives of agricultural constituencies are likely to have a different set of priorities than representatives of inner cities, just as representatives of affluent constituents are likely to have different priorities than those from a poor district.

The U.S. Congress and all but one state legislature are bicameral. Members of the senates generally serve larger constituencies and different groups of constituents than members of houses. In Congress, for example, the over-representation of lightly populated states frequently puts the Senate at odds with the House. The framers of the Constitution wanted to force legislators to balance the interests of states and the interests of people. If there is no conflict, either the House or the Senate probably is not doing its job.

Legislatures not only experience combat within each chamber and between the senate and the house, but they are expected to do battle with the executive branch. If we had a parliamentary system in which the legislature selected the chief executive—which is a common arrangement in democracies around the world—conflict would be reduced. Most Americans prefer our separation of powers system to the more unified parliamentary system. This is reasonable. But it is not reasonable for the same people who favor multiple power bases to react negatively when conflict among these power bases becomes evident.

Conflict also is evident in the party system. Frequently, Democrats and Republicans take opposing positions on issues. The people decry partisan gamesmanship and sometimes their complaints are justified. But it is also well to remember that, for the most part, parties channel conflict rather than create it. The two parties reflect somewhat different beliefs and interests. In addition to being unicameral, Nebraska's Legislature also is nonpartisan. Nebraska legislators are aware of the party affiliation of their colleagues, but coalitions are substantially more fluid than in other state legislatures. This does not mean conflict is absent, however. Rural legislators take issue with urban legislators and representatives of farmers who irrigate their land take issue with representatives of farmers who do not. Disagreements are intense, debate and compromise are still required, and the process seems to take longer than citizens think it should. Democracy without parties is not democracy without conflict. The conflict just takes a different form. Political parties are a product—not the source—of what the people do not like in democratic politics.

Twenty-four states have an alternative to the normal legislative process for making laws. These states, primarily in the western part of the country, allow voters to decide on state laws through the initiative process. The use of initiatives to make laws has become increasingly popular during the last decade in states like Arizona, California, Colorado, Michigan,

Oregon and Washington, where it is not unusual for a dozen or more proposed new laws to be on the ballots with their explanations running to several hundred pages. In addition to this form of direct democracy, as Internet technology develops and becomes more widespread, the demand will increase for instant polling, or even formal voting, through electronic means to decide critical issues before state government.

The initiative has substantial appeal. It provides a steam valve when legislatures sidestep significant policy problems or reject proposals designed to address them. Because the legislature has failings, the initiative is a valuable safeguard to the people. The difficulty with the initiative process, though, is that it does not allow for the processes of debate, negotiation and compromise that are so essential to conflict resolution. When the public votes on an issue, no one is allowed to change a single word of the proposal. The election campaign is the only period for debate followed by one take-it-or-leave-it vote on election day. No amendments are allowed, so there can be no correction of mistakes that may become obvious in the course of debate. There is no negotiation—no compromise to resolve conflicting views among legitimate competing interests.

In short, the initiative process can supplement the work of the legislature, but it cannot, and should not, replace it.

It may seem to the public as though the legislative process is about tearing down consensus, but much of it is actually about building consensus. The problem is that building a consensus takes time and is difficult for outsiders to view. The legislative process is not an orderly one. However, an orderly process is not necessarily a good one, and it is probably not a democratic one. We face a choice between a system that is truly representative and democratic or one that is efficient because it hides or ignores the conflict that invariably exists in a large, heterogeneous society such as ours.

Assuming we choose representative democracy, we must become more tolerant—and even more supportive—of the messy system that results. We have to realize that:

- Discussion is not always orderly,
- Deliberation is an essential part of the process,
- Compromise is not selling out,
- The process takes time,
- Making deals is a natural response to varying intensities of interests on different topics,
- Gridlock is just another word for public disagreement, and
- None of us is likely to get all of what we want.

These are hard lessons to learn. We are convinced that our needs are valid and our ideas sound. The fact that the government does not satisfy all our needs or adopt all our ideas is bothersome—but it is natural and unavoidable. Other people have different needs and different ideas, and their needs and ideas are just as legitimate as ours. As a result, decision makers who represent us will work through these conflicting needs and ideas to arrive at imperfect, brokered decisions. We may not like these decisions, but we should understand why they came about and recognize that this frustrating process and these imperfect decisions are what democracy is all about.

6. What Makes the System Accountable?

What People Think

The political system and politicians are not accountable for their actions.

How It Really Works

Legislators who run every two or four years, who may be subject to recall and whose every vote is on record, are as accountable as anyone can be.

The following reasoning supports the case that the legislature is unaccountable. Relatively few incumbents are defeated. Organized interests contribute to their reelection campaigns, and thereby exert control. Most citizens know little about what their own lawmakers do, or even who they are. And what citizens learn from the press does not quiet popular doubts. Reporters and editorial writers often challenge the ethics of legislators, question why it takes them so long to act on legislation, and assume that campaign contributions determine their votes. In addition, for most citizens, statehouse politics are not easily understood. Between the formal and the informal procedures, life under the capitol dome is difficult to fathom.

Contrary to what most people feel and think, legislators are highly accountable. They cannot escape the control exercised by their constituency, even if they wanted to. The fact is that legislators are rarely out of touch with people back home. Their constituents contact them with regularity, and even if they don't, lawmakers seek out their constituents. Aside from their constituents, organized interests and the press also hold lawmakers in check.

More than anything else, the desire to win reelection constrains legislators. If they act irresponsibly toward their constituents, they face the real chance of losing the next election. They know that potential future election opponents watch their votes closely. In districts that are dominated by a single party, legislators are not free of electoral threat; they must consider the possibility of a challenge in their own party's primary election. Thus, for example, Republicans who favor abortion rights may have to look over their shoulders to gauge the possibility of a challenge from the pro-life wing of the party.

Moreover, legislators do not feel politically secure, even when they have won previously by comfortable margins. They all have seen colleagues in supposedly safe districts lose because they took reelection for granted or failed to stay in touch with the constituency. The high reelection rates for incumbents do not mean that they are insulated from their constituencies. Rather, high reelection rates indicate that members work hard to be responsive to the people who can either reelect them or vote them out.

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Legislators who harbor ambitions to move on to other offices—to the U.S. Congress or higher state office—must think in terms of the broader electorates they will face in those races. We are often suspicious of political ambition, but most of the time ambition to win reelection or to seek higher office contributes directly to enhanced accountability for the electorate. Ambitious legislators look into the future to gauge how their current votes and preferences will be received; this implicitly holds them accountable to future electorates in districts that they know fairly well. This may make individual lawmakers less willing to take risks as they develop policies, but they certainly understand that they can be held accountable for their actions.

To hold their representatives accountable, constituents need some help in knowing what their representatives are doing. For better or worse, this is where interest groups and the media come in. Lobbyists and reporters make it their business to know what is going on in the capitol. Not every action is reported, nor do groups make a fuss about every change in policy, but legislators know that, sooner or later, their behaviors and their issue positions may be publicized in their home districts.

In the past, journalists often were part of the statehouse crowd that included legislators and lobbyists. They worked together, socialized together, and made up a tight network. Almost all of them were men, and they shared a capital camaraderie during the period of the legislative session. Vestiges of this close-knit system remain, but for the most part reporters have grown more adversarial in their treatment of legislators and the legislature. This adversarial relationship probably causes the institution and its members to be held more strictly accountable than they were 20 or 30 years ago. Reporters still desire access to legislators to accumulate their material, but they are more willing to balance this need with their goal of writing an edgy, conflict-driven story that may cast a lawmaker in a negative light. Journalists may not report on legislators' minor foibles (such as the occasional hangover or speeding ticket), but are likely to investigate more serious personal matters or apparent conflicts of interest. Contemporary disclosure requirements for campaign funds mean that reporters scrutinize campaign finance closely.

The wide range of interests that are now represented at the capitol also promotes accountability. The proliferation of interest groups—especially the various citizen and environmental organizations—tends to make the legislature as a whole more accountable. Consider the following scenario. In a state with a mix of agricultural areas, suburbs and cities, environmental groups with members who come disproportionately from the suburbs discover that agriculture runoff from fertilizers has begun to cause serious pollution problems in a major river. These groups may have little capacity to sway the thinking or the votes of legislators from farm-based districts, where the legislators respond to the economic livelihoods of their constituents. However, the suburbanites view the river more as a recreational resource than a conduit for fertilizer runoff, and they place great pressure on their legislators to address water quality issues. If they can carry the day, the legislature may prove accountable to the wishes of its citizens as a whole, even though the voters from agricultural districts would probably hold their own representatives to a different standard.

Some citizen watchdog groups portray the entire legislative process as implicitly corrupt because of the way campaigns are funded. The accusation is exaggerated and unfair. These types of public interest groups—along with various consumer, human service advocacy and environmental groups—serve to provide more equitable representation for a wide range of interests within the legislative arena. Likewise, the increased political involvement of pro-

life groups and religious conservatives offer greater representation to some individuals who previously felt ignored by political elites. The aggressive, confrontational and highly emotional politics that sometimes result when these groups are added to the political mix may put one off, but members of the legislature must address their concerns. As a result, the legislature as a whole becomes increasingly accountable to voters, as more groups come forward to represent them.

The chief executive also helps to make the legislature accountable. Legislators often are oriented primarily to their districts. For instance, representatives from the inner city are unlikely to adopt a disinterested point of view toward extra funding for urban schools. Governors, however, must balance myriad interests across the state as the president must across the entire country. They must respond to the interests not only of urban districts but also of rural and suburban districts. Although the legislature contains a wide range of perspectives, it does not follow that all these viewpoints will be effectively taken into account. Moreover, individual legislators cannot be expected to view legislation without elevating the interests of their own districts above those of other districts. As legislators achieve leadership, however, they take on greater responsibility and a more statewide perspective. The president and governors also have that perspective, and both chief executives and legislative leaders articulate a broader vision, in contrast to the district-oriented vision of most members. Chief executives, moreover, have the veto power, which is a very persuasive weapon. This makes the legislature more accountable to the state.

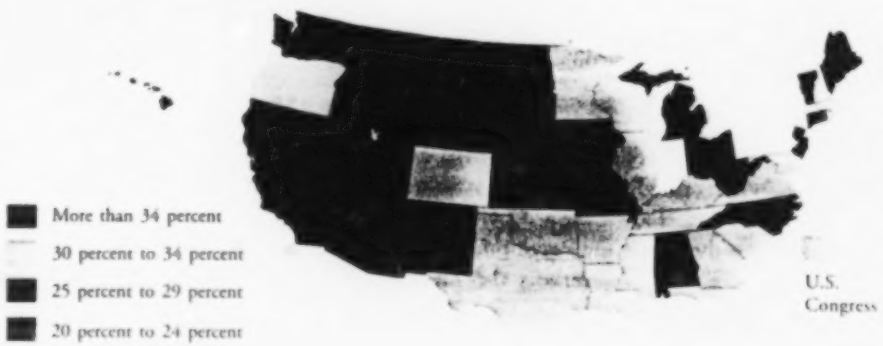
In addition, given the ability of the president and governors to attract media attention, they may be able to offer broad proposals that individual legislators might find difficult to support absent the chief executive's call for a more encompassing vision of what is best for their state. The president or a governor may not desire or be able to overcome all the district-oriented politicking within the legislature, but the chief executive can hold up a sense of the common good that legislators must take into account as they seek to build majorities.

The rate of turnover in the membership of the legislature may affect accountability. Too little turnover in a legislature may tend to reduce it. If most members win reelection easily year after year, there is the danger that they will come to feel insulated from public pressures. On the other hand, a legislature that experiences tremendous changes in membership, election after election, may simply lack the experience and effective leadership to produce programs that respond to the broad wishes of the electorate, much less act in the best interests of the state. All legislatures need new blood and fresh ideas; a little fear never hurt, either. Members should not take public support for granted. Very few, in fact, do. At the same time, a legislature with too many new members and too few experienced members may well find it difficult to function effectively. For example, high levels of turnover mean that party and committee leaders will likely be inexperienced at consensus building. In such instances, more power may flow to other governmental officials—such as the governor and the bureaucracy—who can set the agenda, and interest groups, that have lobbyists who often are experienced veterans of the legislative process. In such circumstances, both individual legislators and the legislature as a whole may have a difficult time responding to the public's demands and needs.

Do legislatures, as they are currently constituted, demonstrate enough turnover to keep them from becoming calcified, unresponsive, unaccountable bodies? For advocates of term limits, new blood—and lots of it—is crucial to the vigor and accountability of state legis-

latures. But the data on turnover may well tell a different story. Turnover usually is considerable, as shown in figure 4. Most legislative bodies require only part-time service.

Figure 4. Average Turnover in State Houses of Representatives, 1992-2000


More than 34 percent
30 percent to 34 percent
25 percent to 29 percent
20 percent to 24 percent
15 percent to 19 percent
Less than 15 percent
NA: Puerto Rico
U.S. Congress

Source: National Conference of State Legislatures, 1997

In the 19 states that now have term limits, accountability becomes a somewhat different matter. In term-limited states, the legislators know exactly when, assuming reelection, that they will be forced to leave the house or senate. Legislators who are limited to two four-year terms, for example, know from the moment of their initial reelection that they cannot serve after that term is completed. During their last term in office they may feel free from the pressures of various interests and their constituents and can do what they personally believe is right. However, save for a recall petition, there is no way for their constituents to hold them accountable for their actions. Granted, they may run for a different office, but in that event they will likely focus on their new constituencies.

Term limits may damage the accountability of the legislature in other, less obvious, ways, as well. Early evidence from California and Maine suggests that the less-experienced legislators have a difficult time making the legislative machinery of parties and committees function as well as more experienced lawmakers had in the past. A less experienced legislature, moreover, may allow other institutions—especially the governor, interest groups and the bureaucracy—to wield more power, based on their knowledge, experience and tenure.

State legislators and members of Congress are accountable to the publics they represent. Legislators also are accountable to their colleagues, their parties and party leaders, and the governor. The press, interest groups and the necessity to run for reelection make legislators as accountable or more accountable than any other group in our society.

The legislature itself is a different matter. Still, the legislative parties also can be held accountable. Only in chambers where the minority party has a realistic chance of becom-

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ing the majority, however, can the electorate punish parties for poor performance. Today, about two-thirds of the legislative chambers are reasonably competitive, in that either party could take control in the next election. In these chambers, punishment is a possibility, and the legislative parties are well aware of it. Even in states with electorates that routinely vote Democrat or Republican at the legislative level (see table 8), the majority party does not want to lose senate or house seats or statewide standing. In addition, the parties do not want to forego the opportunity to elect one of their own as governor, which is a possibility for the minority—as well as the majority—party just about everywhere.

Table 8. One-Party Dominant States: Legislatures in Which the Majority Party Holds More Than 65 Percent of the Seats, 1999

Democrat	Republican
Alabama	Alaska
Arkansas	Idaho
Hawaii	North Dakota
Louisiana	South Dakota
Maryland	Utah
Massachusetts	Wyoming
Mississippi	
Rhode Island	
West Virginia	

Source: National Conference of State Legislatures, 1999.

Beyond holding individual legislators and legislative parties accountable, the public has the option of holding the senate, house or legislature as a whole accountable for the policies and programs enacted. Such accountability, of course, is more diffuse. Incumbents, regardless of party or position, can be voted out of office if the electorate is sufficiently upset. In any case, legislators generally—and legislative leaders especially—do care about how the citizens of the state view them, even though voters may not actually inflict punishment at the polls for the legislators' performance. People just about everywhere have the power or the potential to affect their representatives, the legislature and the process. This makes a profound difference.

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CONCLUSION

The perspective that has been suggested here is in sharp contrast to the perspective that dominates the public sphere today. The popular orientation toward politicians and political institutions should come as no surprise. Practically anyone who developed political views since Watergate and Vietnam would almost certainly have to be cynical and distrustful, given the media and communications that shape how we look at things.

The subjects of "special interests" and campaign finance and their influence on legislators' behavior have come up in every chapter of this work. Indeed, the subject pervades political life in America. The media harp on it. Candidates for elected office—from president to county assessor—accuse their opponents of being "tools of the special interests." Government reform organizations trumpet alleged correlations between campaign contributions and legislators' roll call votes. At the end of chapter one, we listed a series of factors that influence the behavior of legislators in an effort to place concerns about special interests and campaign contributions in proper perspective. Now that we have explored the relationships among these different influences in more detail, we are in a good position to revisit that list of factors and summarize their effects. These influences on legislators' decisions are complex, highly interrelated and almost impossible to isolate on any given issue:

- **Legislators' core principles and beliefs and their public records** Many legislators come into public service with strong dispositions toward public policy issues. As they gain experience in the legislature these views and beliefs grow stronger, and legislators build a public record on issues. This record is subject to attack from their opponents in election campaigns, especially if the record shows frequent changes in positions or other inconsistencies. Beyond the natural tendency for people to behave in ways that match their personal beliefs, there is pressure to maintain consistent views. Periodic elections hold legislators accountable for their beliefs, positions and voting records.

- **The merits of the issue** There are few issues in American life on which everyone agrees. Usually there are merits on both sides, just as there are organized interests on both sides. The contentiousness of the legislative process ensures that each issue is thoroughly argued on its merits.

- **Constituents** Legislators pay close attention to their constituents' views because they are products of their communities and think in similar ways, they want to do good for their districts and most want to be reelected to office. On matters that are important to their districts and on which most of their constituents agree, nothing is likely to sway legislators from voting their district's opinion.

- **Organized interest groups and campaign contributors** There is a great diversity of organized interests. Legislators hear from all sides on issues of importance. Individuals and groups that make campaign contributions usually give to legislators who are predisposed to support their positions. Large, well-organized interests that give to political campaigns guarantee that their message will be heard by legislators, but not to the exclusion of all of the other competing interests.

- **Legislative leaders and political parties** Even though political parties in the United States usually are characterized as weak compared to those of many other countries, they still have strong influences on legislators' behavior. People who run for public office choose one party or another, usually on the basis of their core principles and beliefs. All but a few legislators in the country are elected under the banner of one of the two major parties. In order to get ahead and achieve positions of influence that allow them to achieve their policy goals, legislators must respond to their party's leaders, who usually are trying to advance a party policy agenda.

- **The executive branch** Because of their ability to dominate media attention, their positions as party leaders and the powers of their office, chief executives have important influences on legislators' decisions. They are lightning rods that can cause legislators to go one way or another, depending on whether they are of the same party as the governor or president. Executive agency officials also can have a significant effect because of their specialized knowledge, larger resources and greater expertise.

- **Legislative committees or trusted colleagues** Legislators cannot be experts on all the hundreds of issues that come before them. On matters on which they don't know a lot or don't have strong positions, they rely on the recommendations of the legislative committees that have studied the issue in more detail or on colleagues they know are knowledgeable in the area.

- **Family and personal friends** Legislators' personal connections help to define their core values and beliefs in the first place. On some issues they may feel more accountable to friends and family than to almost anyone else. A former Colorado legislator says, "I found it more difficult to say 'no' to my friends than to the people who contributed to my campaign."

We have argued that lawmakers and legislatures behave much better than the public perceives. But that does not mean that their performance leaves nothing to be desired. Legislators, like the rest of us, are imperfect human beings. No matter how many ethics laws and regulations the Congress or the states enact, some legislators–albeit a small proportion—will cross the line. Legislatures as institutions also need to improve—not necessarily their work products (legislation), about which people in a pluralistic society will naturally disagree, but the legislative process itself. Some legislative practices are flawed, more seriously in some places than in others.

Although we have tried to place it in proper perspective, the American system of campaign finance receives a large part of the criticism leveled at American political institutions. There is little doubt that the campaign finance system needs repair. But, it should be noted, in many of the smaller and even some medium-sized states fund raising and campaign spending present few real problems. The amounts are far from excessive. In the larger states, and particularly in the most competitive districts, the sky is becoming the limit for hard money.

soft money, party expenditures and independent expenditures. This is a reflection of the high stakes and increasing competitiveness of state politics.

Congressional campaigns also vary in campaign expenditures. Candidates for senate races in small states go for less, whereas in large states candidates in a competitive race may spend $10 million to $20 million. In New Jersey's 2000 election for the Senate, one candidate spent $60 million—all of which was his own money. Most house races are relatively safe for the incumbent, no matter which party, but in any single election both sides target 40 to 50 seats. Control of the house depends on the outcomes in these races, so the candidates, the congressional parties and interest groups raise and spend as much money as possible to win these races.

The goals of campaign finance reform are to: limit expenditures; minimize the possibility that contributions will corrupt legislators; assure full disclosure, so citizens know who is giving to whom; reduce the amount of time legislators have to take away from lawmaking responsibilities in order to raise funds; enable candidates to get their message to the public; and even give challengers a better chance to compete with incumbents. These goals are not easy to achieve, and some of them actually may be in conflict with others. Nonetheless, improvements are necessary in this area.

Campaigns, themselves, need improvement. Too often they are nasty, accusatory and unfair, tending to promote cynicism among the citizenry. At the very least, incumbents ought to renounce running against the institution in which they serve. In Congress and the larger and more competitive states—California, Illinois, Michigan, New Jersey and Pennsylvania, for example—the campaign has become too much a part of the legislative process itself. Legislative leaders and legislative parties raise and allocate funds or other resources, resulting in the further politicization of a process that is already (and should be) political. To an unhealthy extent, election campaigns are fought out in the legislative assemblies as well as in the legislative districts of the states. Partisanship increases beyond expected levels and settlements on policy are more difficult to achieve. In some chambers, moreover, civility suffers and members on opposite sides of the aisle stop communicating with one another.

In a few places—but certainly not many anymore—legislative leaders hold power too tightly. In many more places, leaders have a tougher time leading members who are disinclined to follow. It is no simple matter to determine what to do about such arrangements. Although a rules change might work, essentially it is up to members to select the kind of leadership that suits them and to follow them in their own manner. The legislature itself is a democratic system.

Ethical issues also have to be dealt with. Some members step over the bounds, even when it is reasonably clear where the line should be drawn. Others, however, have to navigate the gray areas of legislative life, which are like uncharted minefields with no agreement about where the line should be drawn. Legislators, as individuals, are still not as conscious of ethics as they ought to be and legislatures, as institutions, have not taken the responsibility for promoting ethical conduct that they should. It is no easy matter for members of Congress and state legislatures to judge their colleagues. Moreover, the ultimate responsibility for the membership of the legislature resides with the electorate in each legislative district. The voters who send legislators to the capitol also can stop sending them.

The institutional problems that legislatures ought to address are peculiar to each legislature. They are not the same everywhere. Campaign finance reform is not a pressing issue in Wyoming, and legislative ethics is not a priority concern in Vermont.

The flaws of Congress, which is an extraordinarily complex institution, differ from those of legislatures in the states. Currently, the U.S. House (which has different problems than the Senate) probably needs to strengthen a committee system that has been seriously weakened in recent years. It focuses too much on short-term solutions at the expense of future problem-solving. It could improve its oversight of executive performance of the policies and programs that Congress previously enacted. It also needs to devise ways to balance the power of the executive branch without overstepping the bounds of its own legitimate powers.

On balance, how well do America's legislatures perform? Compared to an absolute standard, legislative performance will never completely measure up. We wouldn't expect it to. Yet, the performance of some legislative bodies would come closer than that of others. Compared to an earlier time—say 35 years ago, immediately after the reapportionment revolution and at the beginning of the legislative modernization movement—legislatures have improved as political institutions in at least seven ways.

1. They are more representative, with substantially more women members and also more racial and ethnic minority members.
2. They have greater capacity, the wherewithal in staff and information, to do the job.
3. They are more independent, and truly check and balance the executive.
4. They exercise more responsibility, taking on problems and seeking solutions in areas that heretofore were left to the federal government or ignored entirely.
5. They are more open, so that the media and citizens can (if they wish) observe a large part of the process and legislators can be held more accountable for the actions they take.
6. They are more competitive—not district by district but chamber by chamber—with the two parties seriously vying for control in about two-thirds of the nation's senates and houses.
7. They are more responsive (and some would say they are too responsive) to the desires and needs of the citizens of the various constituencies of the state.

Ironically, the successes of legislatures may be related to the way the public sees them; the better they are, the worse they look. Even if legislatures are better than they used to be, critics maintain that representative democracy doesn't work well enough today. Another form of governance would be better. What are the main alternatives?

Executive Dominance

One alternative is executive dominance. Let the president or the governor and the departments and agencies of the executive branch make, as well as administer, law. After all, presidents and governors are democratically elected either by the entire nation or by the state. They have a broader perspective, greater visibility than legislators, and speak essentially with one voice. They are easier to hold accountable than are legislatures. According to executive dominance proponents, legislatures get in the way of the good policy that comes out of the chief executive's office.

No doubt, things would be simpler and more efficient if we left everything to the executive. But debate, negotiation, and compromise would be reduced. The minority, as in a parliamentary system, would have little role, except to try to win the next election. Everything would ride on a single roll of the dice. Legislators might continue to serve their constituents as ombudsmen, but representation for citizens would be sharply curtailed.

Direct Democracy

Another alternative is direct democracy, which would allow people to vote directly on issues without the need for representatives to decide for them. Several features of direct democracy already are with us and others do not seem far off. The initiative and referendum, reforms introduced in the Progressive Era, currently permit citizens in half the states to vote on an issue, bypassing the legislative process. Use of the initiative, the more popular mechanism of the two, has increased markedly in the past 20 years.

Those who favor the initiative argue that the people ought to have the right to decide important issues, including those with which the legislature refuses to deal and others where one side sees a benefit in going right to the ballot. When polled, large majorities of citizens—and especially those in states that make frequent use of it—favor the initiative. When pressed in focus groups, however, people have doubts about their own ability and that of their fellow citizens to decide complex issues.

The initiative stands in sharp contrast to the legislative process as a way to make policy. Little deliberation takes place, and information mainly comes from 30-second spots on television. Far more deliberation takes place in a legislative assembly and considerable information finds its way into the process. The initiative provides for a yes-or-no decision, whereas the legislative process allows for bargaining and compromise. With the former there are big winners and big losers; with the latter, although victory is diminished, so is defeat, and consensus is more likely to be built. When citizens are faced with ballot propositions, they vote on an issue without regard to other issues. Legislators make connections among issues—adopting one might preclude adopting another; spending for one might require raising revenues or cutting spending for others. Citizens cannot be held accountable for their votes on an initiative; legislators are held accountable for any votes they cast.

The Internet and other technological developments make direct democracy, in one form or another, a distinct possibility. A number of people advocate moving away from reliance on the collective judgment of elected representatives to letting the voters decide for themselves. The system may not reach that stage, but it is likely that, by means of the Internet, people will be able to express their views district by district on precisely the same issues that their legislators face. And legislators will be-hard pressed not to accept a majority view. As Dick Morris, in his book *Vote.com*, threatens, "We are going to take to the Internet and tell our representative what to do whenever we damn well feel like it." With direct democracy, or some variant, the legislative process for all intents and purposes will be superfluous. Deliberation, negotiation, bargaining and compromise will not be necessary when representatives simply mirror the majority views. Relieved of the pressures of lawmaking, legislators could devote all their energies to running errands for their constituents.

What system does the reader prefer—representative democracy, executive dominance, or direct democracy? The authors believe that the system we have now—and have had for more than 250 years—is the preferred one. It is complex, messy, human and imperfect—

but better than the alternatives. Unfortunately, representative democracy as practiced by legislators and legislatures is not comprehensible to many people. Because people tend to distrust most that which they understand least, we hope that we have shed some light on and given readers a sense of a political system that we believe works remarkably well.

EXERCISES

This guide to representative democracy offers two contrasting views of our political system. The following exercises are designed to help you make up your own mind between these differing points of view.

Many of the following exercises ask you to talk to legislators about what they do and how they do it. Conversations with legislators should give you an idea of how the members fit or don't fit the perception that the public has of legislators. Legislators are highly accessible, especially at the state level and in their own districts. They like to talk to students, community groups, service clubs and other organized groups. If you invite them, especially when they are out of session, they are likely to come. Show them the questions in these exercises in advance and ask them to speak to the issues that are raised here. Or just invite them for an informal discussion and ask the questions yourselves. The questions, along with a few other exercises that do not require interviewing legislators, are keyed to each chapter.

1. What Makes Legislators Tick?

A. Following are some questions for you to discuss with one or more legislators:

- Why did the legislators run for office (and for the legislature) in the first place?
- What kinds of careers have the legislators had in the past and what sorts of political careers do they have in mind for the future?
- What keeps the legislators going? What do they like or dislike about the job? (Does your state have term limits, as shown in table 1; and, if so, what are the effects of term limits on the legislators?)
- How much effort do the legislators expend on fund raising for the next election, and how much on organizing support? Does it interfere with their legislative duties? How much did the last campaign cost?
- Do the legislators give campaign contributors, or supporters, special access or treatment?
- What kinds of ethical issues have the legislators encountered in the course of their service? How did they handle them?

B. On the basis of what you have learned, list both the positive and the negative aspects associated with being a member of the legislature in your state. Think about them; balance them. Would you want to do the job?

2. How Legislators Are Linked to Constituents

A. Following are more questions to ask one or more legislators:

- What are their districts like? What types of people live there? What do they care about? How do the representatives know?
- How much do constituents request service and casework? What kinds of things do they ask for? How do the legislators handle such requests? How important a part of the representatives' job do they think service and casework are? How many constituents contact the legislators in an average week?
- Take an issue or two that the legislature dealt with recently and ask the legislators how their constituents felt, how they communicated their feelings, whether there was disagreement within the constituency and what factors weighed in the legislators' decisions on the issues. Did the constituency care?
- What do they regard as a constituency "mandate"? Can the legislators remember any instances when they voted against such a constituency mandate? What were the issues and why did the legislators act contrary to the wishes of most of their constituents?

B. Do you think that the legislators care what constituents think and weigh these views and interests heavily? Would you say that legislators in your state try to represent their constituents? Do they manage to do so? If not, how do they fall short?

3. Where People Stand

Public opinion surveys are useful for learning about the diversity of views in both the country as a whole and in individual states. One source of such information is public opinion surveys. Several web sites maintain useful compilations of nationwide survey results. The "For Further Reading" section at the end of this book lists a number of useful sites.

A. On one of these web pages, find a national or state poll, preferably of fairly recent vintage, that posed policy questions to the American public. Read several of the questions without noting the response patterns. Then make predictions about the public's attitudes, with particular attention to the extent of agreement you expect to find. Now look at the responses and compare them to your predictions. Answer the following questions on the basis of your analysis, using actual numbers from the survey.

- What is the extent of agreement on these policy issues?
- On what kinds of issues does there appear to be agreement and on what kinds of issues does there appear to be disagreement?

B. Conduct your own informal survey of people you know, trying to get people with different backgrounds and traits. Ask them individually about a current controversial issue in your state or about an issue that has been in the news recently. Make them give a clear answer, though, one that indicates whether they agree or disagree with a specific proposal. Take note of their responses, perhaps jotting them down after your conversation has ended.

- Is consensus greater in your personal poll than in national and state polls? If so, why do you think this occurred?

4. How Special Are Interests?

A. Invite one or more lobbyists to speak to your class or group and ask them some of the following questions:

- Whom does the lobbyist represent? What issues does the lobbyist's membership or clients currently have before the legislature? Choose one of the lobbyist's major interests and ask what groups are in opposition to this interest.
- What techniques does the lobbyist use to influence legislators? What kind of information does the lobbyist provide to legislators?
- What does the lobbyist have to say about the lobbying system? What are its virtues? What are its defects?

B. After the interviews, consider the following questions.

- Think of your own views and positions. Are you a member of any interest groups? Do any interest groups generally represent your views, whether you are a member or not? What about your friends and family and their representation by groups?
- What groups do you think have the most influence in your legislature? What accounts for their influence—the merits of their case, size of their membership, economic position, strength of members' beliefs, campaign contributions?
- Would the legislature work better without lobbyists? Why? How?
- What interests in your state are not adequately represented before the legislature? Why aren't they? How well does the legislative system perform in allowing conflicting views and interests to compete? Who are the big winners? Big losers?

5. Why the Process Is Contentious

A. Many imaginative computer simulations are available these days. *SimCity* allows players to run a city and requires them to make political decisions. The Center on Congress at Indiana University has a simulation on "How a Member Decides to Vote" at http://congress.indiana.edu/. These simulations teach you about the complexities of the policymaking process, because you are constantly faced with differing points of view, limited resources, competing goals and the necessity of compromise.

6. What Makes the System Accountable?

A. Discuss the following with one or more legislators:

- What does accountability mean to them? Do they believe they are accountable? To whom and how?

B. Based on your conversation, consider the following questions:

- Do you think that constituents can hold legislators accountable? How is accountability enforced?

- Is it possible in your state for the minority to win control of the senate or house? How does the electorate hold the majority party of the senate or house accountable? In what ways does the public hold the entire legislature accountable?
- Compare the accountability of legislators with that of physicians, attorneys, college professors and public school teachers. Which groups do you think are more or less accountable? To whom?

Do You Trust Our System of Government?

Now that you have read this work, score yourself again on how much you trust our system of representative democracy. Please circle the number that most closely matches how you feel about each of the following pairs of statements.

a) Most legislators act unethically and are out for themselves.

1 2 3 4 5 6 7

Most legislators are out to promote the public welfare as they and their constituents see it.

b) Legislators don't care what regular people think.

1 2 3 4 5 6 7

Legislators care deeply about what their constituents want.

c) Americans agree on what is right and necessary, so the legislature should just pass the laws that the people want.

1 2 3 4 5 6 7

People disagree on most issues except at a general level, and the legislature must resolve the clash of values and interests.

d) Legislators are the servants of special interests that look out for themselves, not the will of the regular people. A few big interests run the government.

1 2 3 4 5 6 7

There is an organized interest for almost every conceivable policy interest that anyone might have. The number and diversity of organized interests ensure that all sides of an issue are heard but not that any one group comes out ahead.

e) The lawmaking process doesn't work well because of politics, unprincipled deal making and needless conflict.

1 2 3 4 5 6 7

Making laws is a contentious process because it takes in so many competing values, interests and constituencies.

f) Politicians are not accountable for their actions.

1 2 3 4 5 6 7

Politicians, who must run for office every two or four years, are as accountable as anyone can be.

Add up the total of the numbers you circled above, write down your score and compare it to your previous score. _____

If you scored:	You are:
33-42	Trustful of representative democracy
27-32	Moderately trustful
21-26	In-between
15-20	Moderately cynical
6-14	Cynical about representative democracy

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For Further Reading

Books

American Society of Legislative Clerks and Secretaries. *Inside the Legislative Process.* Denver: National Conference of State Legislatures, 1998 and 1999.

Clucas, Richard A. *The Speaker's Electoral Connection: Willie Brown and the California Assembly.* Berkeley: Institute of Governmental Studies Press, University of California, 1995.

Cooper, Joseph. *Congress and the Decline of Public Trust.* Boulder: Westview Press, 1999.

Ehrenhalt, Alan. *The United States of Ambition.* New York: Times Books, 1991.

Fenno, Richard F. Jr. *Home Style.* Boston: Little Brown, 1978.

Hibbing, John R., and Elizabeth Theiss-Morse. *Congress as Public Enemy: Public Attitudes Toward American Political Institutions.* New York: Cambridge University Press, 1995.

Keyserling, Harriet. *Against The Tide: One Woman's Political Struggle.* Columbia: University of South Carolina Press, 1998.

Loftus, Tom. *The Art of Legislative Politics.* Washington, D.C.: CQ Press, 1994.

Loomis, Burdett. *Time, Politics and Policies: A Legislative Year.* Lawrence: University Press of Kansas, 1994.

McDonough, John. *Experiencing Politics: A Legislator's Stories of Government and Health Care.* Berkeley: University of California Press, 2000.

Redman, Eric. *The Dance of Legislation.* New York: Simon and Schuster, 1973.

Rosenthal, Alan. *Drawing the Line: Legislative Ethics in the States.* Lincoln: University of Nebraska Press, 1996.

———. *The Decline of Representative Democracy: Process, Participation, and Power in State Legislatures.* Washington, D.C.: CQ Press, 1998.

———. *The Third House: Lobbyists and Lobbying in the States.* Washington, D.C.: CQ Press, 1993.

Sinclair, Barbara. *Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress.* Washington, D.C.: CQ Press, 1997.

Wright, Ralph. *All Politics Is Personal.* Manchester Center, Vt.: Marshall Jones Co., 1996.

Magazines

(Most of these magazines are not available at newsstands but can be found in libraries.)

Congressional Quarterly

Governing. The Magazine of States and Localities

National Journal

State Government News (Council of State Governments)

State Legislatures (National Conference of State Legislatures)

Web Sites

American Political Science Association—http://www.apsanet.org

Center on Congress—http://congress.indiana.edu

Center for Civic Education—http://www.civiced.org

CongressLink—http://www.congresslink.org

National Conference of State Legislatures—http://www.ncsl.org

Public Opinion Poll Sites

University of North Carolina Institute for Research in Social Science Public Opinion Poll Question Database—http://www.irss.unc.edu/data_archive/pollsearch.html

Inter-University Consortium for Political and Social Research General Social Survey— http://www.icpsr.umich.edu/gss/home.htm

Inter-University Consortium for Political and Social Research National Election Survey— http://www.icpsr.umich.edu/NES/anesintro.html

The Pew Research Center for the People and the Press— http://www.people-press.org/

University of North Carolina, The Odum Institute— http://www.irss.unc.edu/irss/dataservices/dataservices.html

The Gallup Poll— http://www.gallup.com/

National Association of Secretaries of State Survey on Youth Attitudes—http://www.nass.org/nass99/youth.htm

NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

ABOUT THE TRUST FOR REPRESENTATIVE DEMOCRACY

The National Conference of State Legislatures and lawmakers across the nation have joined together to launch a bold new public outreach and education initiative: the Trust for Representative Democracy. Based on the ideas and fundamental principles set forth by the framers of the Constitution, the Trust for Representative Democracy is designed to counter the current public cynicism and distrust of the legislative process. It builds understanding and support for legislative institutions and engages people in American democracy. The Trust for Representative Democracy benefits citizens of all ages who aspire to promote the free exchange of ideas, confront and solve the critical issues of our time, and help make our nation a better place in which to live.

"I love this little book. What a breath of fresh air in the current climate of cynicism and distrust about American democracy!"

"This guide helps citizens understand how American legislatures really work, puts the present cynicism toward our system in the proper context, and articulately explains the importance to our freedom of our basic democratic institutions. All Americans who are concerned about public affairs—which should be everyone—should read this book."

"I'm very impressed by this guide to representative democracy. It's a concise, clear articulation of the fundamental principles of representative democracy. It is a valuable tool for educating citizens young and old about Congress and our state legislatures."

"The authors of this book, alarmed by growing public cynicism about representative democracy, are attempting to explain why it is that legislatures behave as they do. . . . The decline in understanding of how representative government is supposed to work can lead to what for most is the ultimate nightmare, direct electronic democracy. That will create a crisis that will make today's most tumultuous legislature look wise and deliberative."

"Our form of government is a national treasure. To work properly, government requires the trust and participation of ordinary citizens. This book goes a long way toward promoting those values."

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